

# Vol. I

## TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1941

No. 30

DANIEL D. GLASSER, PETITIONER,

v.

THE UNITED STATES OF AMERICA

No. 31

NORTON L. KRETSKE, PETITIONER,

v.

THE UNITED STATES OF AMERICA

No. 32

ALFRED E. ROTH, PETITIONER,

v.

THE UNITED STATES OF AMERICA

A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT  
OF APPEALS FOR THE SEVENTH CIRCUIT

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PETITIONS FOR CERTIORARI FILED FEBRUARY 28, 1941.

CERTIORARI GRANTED APRIL 7, 1941.

IN THE  
**Supreme Court of the United States**  
OCTOBER TERM, A. D. 1940.

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No. ....

DANIEL D. GLASSER,

*Petitioner,*

*vs.*

THE UNITED STATES OF AMERICA,

*Respondent.*

---

No. ....

NORTON I. KRETSKE,

*Petitioner,*

*vs.*

THE UNITED STATES OF AMERICA,

*Respondent.*

---

No. ....

ALFRED E. ROTH,

*Petitioner,*

*vs.*

THE UNITED STATES OF AMERICA,

*Respondent.*

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ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT  
OF APPEALS FOR THE SEVENTH CIRCUIT.

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TRANSCRIPT OF RECORD

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IN THE

United States Circuit Court of Appeals  
For the Seventh Circuit

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THE UNITED STATES OF AMERICA,

*Plaintiff Appellee.*

7315

v.s.

DANIEL D. GLASSER,

*Defendant Appellant.*

---

THE UNITED STATES OF AMERICA,

*Plaintiff Appellee.*

7316

v.s.

NORTON L. KRETSKE,

*Defendant Appellant.*

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THE UNITED STATES OF AMERICA,

*Plaintiff Appellee.*

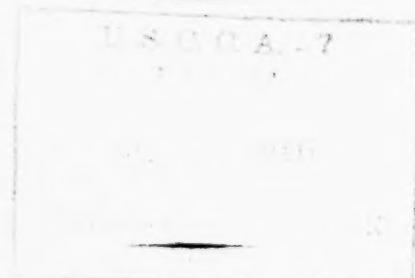
7317

v.s.

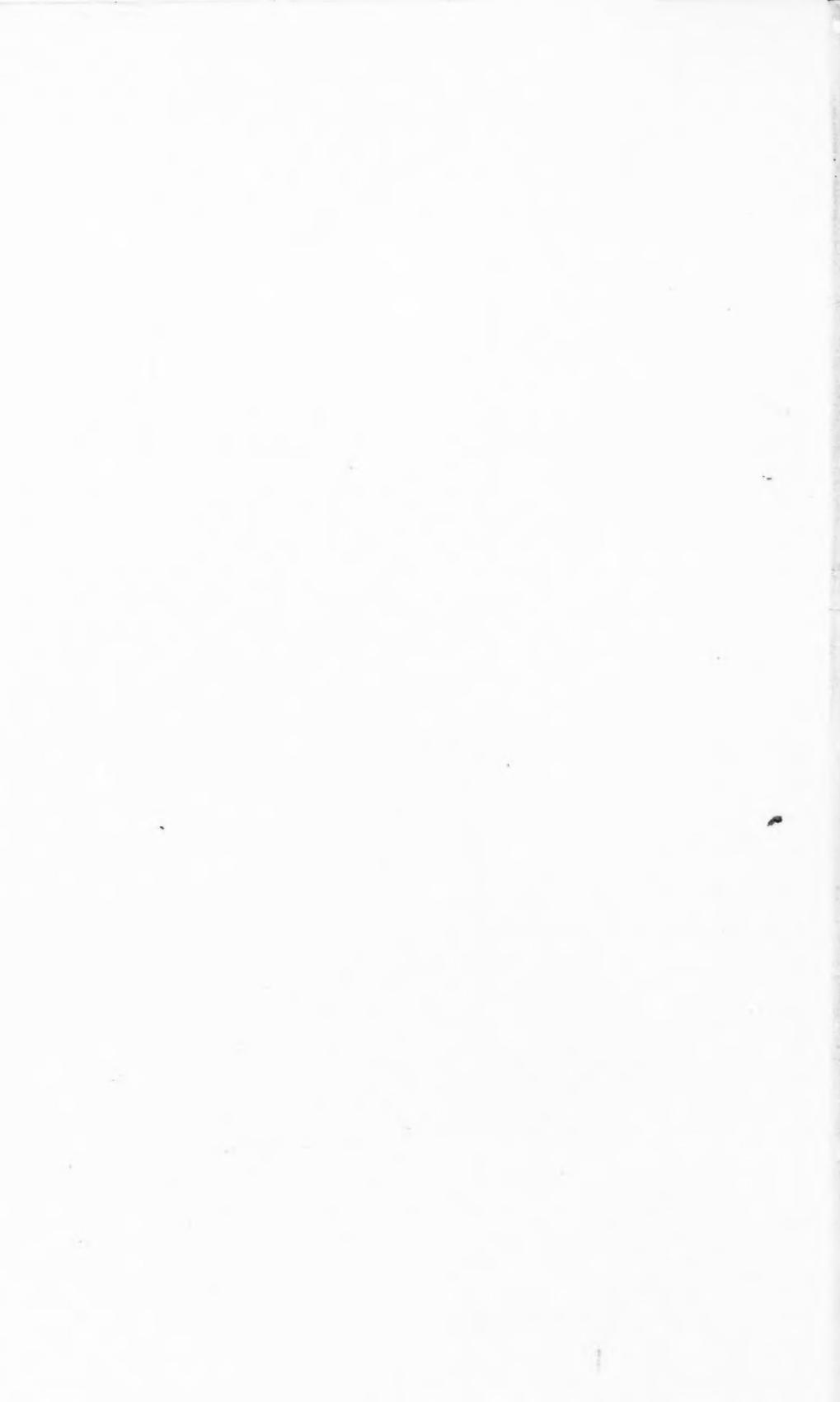
ALFRED E. ROTH,

*Defendant Appellant.*

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Appeals from the District Court of the United States of  
the Northern District of Illinois, Eastern Division.



IN THE  
**United States Circuit Court of Appeals  
For the Seventh Circuit**

THE UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

7315 *v.s.*

DANIEL D. GLASSER,  
*Defendant-Appellant.*

7316 *Plantae Appellatae*

7316 *vs.*

NORTON I. KRETSKE,  
*Defendant-Appellant.*

**7317** *vs.* *Platynophaea*

7317 *vs.*

**ALFRED E. ROTH,**  
*Defendant-Appellant.*

**Appeals from the District Court of the United States for  
the Northern District of Illinois, Eastern Division.**



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1 IN THE DISTRICT COURT OF THE UNITED STATES.

Placita.

For the Northern District of Illinois,

Eastern Division.

Pleas had at a regular term of the District Court of the United States for the Eastern Division of the Northern District of Illinois begun and held in the United States Court Rooms in the City of Chicago in the division and district aforesaid on the first Monday of September (it being the twenty-ninth day of September the indictment was filed) in the year of our Lord One Thousand Nine Hundred and Thirty-nine and of the Independence of the United States of America the 164th year.

Present:

The Honorable James H. Wilkerson, The Honorable Philip L. Sullivan, The Honorable Charles E. Woodward being Judges of said Court and The Honorable Patrick T. Stone, Judge of the Western District of Wisconsin sitting by designation.

The Honorable Patrick T. Stone, Trial Judge.

William H. McDonnell, U. S. Marshal.

Hoyt King, Clerk.

**Filed 4 Sept. 29, 1939.** And on, to wit, the 29th day of September, A. D., 1939, was filed in the Clerk's office of said Court a certain INDICTMENT in words and figures following, to wit:

5 IN THE DISTRICT COURT OF THE UNITED STATES  
OF AMERICA.

For the Northern District of Illinois,  
Eastern Division.

Of the September Term, in the year 1939.

First Count.

Northern District of Illinois, { ss.  
Eastern Division.

The grand jurors for the United States of America empaneled and sworn in the District Court of the United States for the Eastern Division of the Northern District of Illinois at the September Term of said Court in the year 1939, and inquiring for said division and district, upon their oath present:

1. That at all times covered by this indictment, subsequent to, to wit, March 15, 1935, the defendant hereinafter named, Daniel D. Glasser, was an Assistant United States Attorney for the Northern District of Illinois, employed under the provisions of the United States statute in such case made and provided to assist the United States Attorney to prosecute in his district all delinquents for crimes and offenses cognizable under the authority of the United States at Chicago, Illinois, and as such Assistant United States Attorney he did, at all times covered by this indictment, from time to time, in certain United States court rooms, United States Grand Jury rooms, and United States Commissioners' rooms, and in the office of the  
6 United States Attorney at Chicago, and at other places in the aforesaid district, act for and on behalf of the United States in certain official functions under and by authority of the Department of Justice of the United States, and as such officer of the United States, he did, at all times covered by this indictment, have certain decisions to make and actions to take on certain questions, matters,

causes and proceedings which were from time to time pending and which were from time to time brought before him in his capacity as such official in the performance of his duties as such Assistant United States Attorney, that is to say, the said Daniel D. Glasser was required to perform certain duties for and on behalf of the United States as Assistant United States Attorney in prosecuting various persons who were from time to time charged with committing certain offenses against the laws of the United States, namely, to wit, the offenses of unlawfully possessing a still set up not registered as required by law; with carrying on the business of a distillery and wilfully and feloniously failing to pay taxes on spirits distilled; with carrying on the business of a wholesale liquor dealer and wilfully failing to pay the special tax required by law; with carrying on the business of a distiller and wilfully failing to display the sign "registered distillery" as required by law; with carrying on the business of a distiller without having given the bond required by law; with having made and fermented a mash fit for distillation in a building other than a duly qualified registered distillery; with having unlawfully removed and concealed goods and

commodities on which a tax was imposed with intent  
7 to defraud the United States of such tax; with un-

lawful possession of distilled spirits, the containers of which did not have affixed stamps required by law to denote payment of the internal revenue taxes imposed thereon; which offenses are more clearly defined and set forth under Title 26 of the United States Code of Laws;

2. That part of the time covered by this indictment, namely, from, to wit, March 15, 1935, to to wit, April 15, 1937, Norton I. Kretzke was an Assistant United States Attorney for the Northern District of Illinois employed under the provisions of the United States statutes in such case made and provided to assist the United States Attorney to prosecute in his district all delinquents for crimes and offenses cognizable under the authority of the United States at Chicago, Illinois, and as such Assistant United States Attorney he did, from time to time, in certain United States court rooms and United States Grand Jury rooms, and United States Commissioners' rooms, and in the office of the United States Attorney at Chicago, and at other places in the aforesaid district, act for and on behalf of the United States in certain official functions under and by authority of the Department of Justice of

the United States, and as such officer of the United States he did have certain decisions to make and actions to take on certain questions, matters, causes, and proceedings which were from time to time pending and which were from time to time brought before him in his capacity

8 as such official in the performance of his duties as such

Assistant United States Attorney, that is to say, the said Norton L. Kretzke was required to perform certain duties for and on behalf of the United States as Assistant United States Attorney in prosecuting various persons who were from time to time charged with committing certain offenses against the laws of the United States, namely, to wit, the offenses of unlawfully possessing a still set up not registered as required by law; with carrying on the business of a distillery and wilfully and feloniously failing to pay taxes on spirits distilled; with carrying on the business of a wholesale liquor dealer and wilfully failing to pay the special tax required by law; with carrying on the business of a distiller and wilfully failing to display the sign "registered distillery" as required by law; with carrying on the business of a distiller without having given the bond required by law; with having made and fermented a mash fit for distillation in a building other than a duly qualified registered distillery; with having unlawfully removed and concealed goods and commodities on which a tax was imposed with intent to defraud the United States of such tax; with unlawful possession of distilled spirits, the containers of which did not have affixed stamps required by law to denote payment of the internal revenue taxes imposed thereon; which offenses are more clearly defined and set forth under Title

26 of the United States Code of Laws;

9 3. That at certain times covered by this indictment, subsequent to, to wit, March 15, 1935, the defendant hereinafter named, Louis Kaplan, well known to the defendants, was a person committing certain offenses against the United States, namely, offenses against the alcohol tax laws, and was a person associating himself with certain persons well known to the defendants to be offenders against the laws of the United States, that is, the Alcohol Tax Laws;

4. That at all times covered by this indictment, subsequent to March 15, 1935, the defendant hereinafter named, Alfred E. Roth, was an attorney at law, well known to

the defendants, and was duly licensed to practice law in the courts of the United States;

5. That at all times covered by this indictment, subsequent to March 15, 1935, the United States did maintain a certain governmental agency known as the Alcohol Tax Unit, a unit of the Bureau of Internal Revenue in the Treasury Department of the United States;

6. That at all times covered by this indictment, subsequent to the date aforesaid, the duties of the Alcohol Tax Unit, well known to the defendants, were to enforce the Treasury rules and regulations governing the production and distribution of alcohol and to supervise the various distilleries and breweries that operate under government supervision, and to enforce the laws pertaining to the traffic in non-tax-paying alcohol;

7. That at all times covered by this indictment subsequent to the date aforesaid, the Alcohol Tax Unit, well known to the defendants aforesaid, to carry out the governmental function aforesaid, did employ and maintain a certain staff of special investigators and investigators, to wit, one hundred and fifty men who performed the duties of investigating violations of the Alcohol Tax Laws and making arrests therefor, and that during the time aforesaid the said investigators would from time to time visit the office of the United States Attorney for the purpose of securing authorization from the said United States Attorney to file criminal complaints against certain persons arrested for Alcohol Tax Law violations;

8. That it was the lawful duty of said defendants, Daniel D. Glasser and Norton L. Kretske, well known to the defendants, as Assistant United States Attorneys acting for and on behalf of the United States, to prosecute offenders of the Alcohol Tax Laws, that is to say, it was the lawful duty, well known to the defendants, of the said Daniel D. Glasser and Norton L. Kretske to hear and review certain facts presented to them from time to time by said investigators representing the aforesaid governmental agency and to make decisions and take action thereon to the end that said investigators would know whether or not said offenders were guilty in law as well as fact and that they would be so prosecuted by the United States, that is to say, whether or not certain complaints would be authorized to be filed against them upon which warrants would issue for their arrest;

9. That at times covered by this indictment subsequent

to March 15, 1935, it was the lawful duty of said defendants, Daniel D. Glasser and Norton I. Kretske, which duty was well known to the defendants, as Assistant United States Attorneys acting for and on behalf of the United States, to appear before the various United States Grand Juries summoned to hear questions, matters, and causes, and to vote indictments and present to them, the members of said Grand Juries, certain facts furnished to them by said investigators indicating or failing to indicate that certain persons had offended against the laws of the United States, particularly the Alcohol Tax Laws, and as a consequence thereof were guilty or not guilty of certain felonies, and that said defendants well knew that the said Daniel D. Glasser and the said Norton I. Kretske, in the performance of their lawful duty or duties, did, from time to time, appear before said United States Grand Juries for the purpose of presenting to them, the members of the said Grand Juries, certain facts:

12. 10. That on, to wit, April 15, 1937, the said defendant, Norton I. Kretske, resigned as an Assistant United States Attorney, a fact well known to the defendants, and subsequently thereto, down to and including the date of this indictment, said defendant held no official position with the Government of the United States;

11. That at all times covered by this indictment subsequent to, to wit, March 15, 1935, the defendant hereinafter named, Anthony Horton, commonly known as Tony Horton, well known to the defendants, was a professional bondsman who, during all the time covered by this indictment, did from time to time in the district aforesaid secure and provide certain sureties for various persons required to give bond to answer to criminal charges brought against them by the Government of the United States;

12. That, well known to the defendants, at certain times covered by this indictment subsequent to March 15, 1935, the following persons, Frank Hodorowicz, Peter Hodorowicz, Mike Hodorowicz, Anthony Hodorowicz, Walter Haleban, also known as Walter Hort, Clem Dowiat, Elmer Swanson, Christ del Rocco, Walter Kwiatkowski, Edward R. Dewes, Victor Raubunas, Edward Farber, Louis Pregenzel, Lincoln Rankin, Ralph Sharp, alias Ralph Bogush, William Wroblewski, Edward Wroblewski, Paul Svec, Stanley Wasielawski, Stanley Slessur, otherwise known as Stanley Slasuraitis, Louis Kaplan, and

Adam Widzes, and many other persons to the grand  
13 jurors unknown, were arrested by officers of the  
United States and charged with unlawfully violating  
certain laws of the United States, namely, to wit, certain  
provisions of Title 26 of the United States Code, that is  
to say, the aforesaid persons were, subsequent to the date  
immediately aforesaid, arrested and charged with unlaw-  
fully possessing a still set up not registered as required  
by law; of carrying on the business of a distillery and  
wilfully and feloniously failing to pay taxes on spirits  
distilled; of carrying on the business of a wholesale liquor  
dealer and wilfully failing to pay the special tax required  
by law; of carrying on the business of a distiller and wil-  
fully failing to display the sign "registered distillery" as  
required by law; of carrying on the business of a distiller  
without having given the bond required by law; of having  
made and fermented a mash fit for distillation in a build-  
ing other than a duly qualified registered distillery; of  
having unlawfully removed and concealed goods and com-  
modities on which a tax was imposed with intent to de-  
fraud the United States of such tax; of unlawful posses-  
sion and transportation of distilled spirits; the containers  
of which did not have affixed stamps required by law to  
denote payment of the internal revenue taxes imposed  
thereon;

13. That subsequent to the arrest of the above persons  
they were given various hearings before the United States  
Commissioner on certain complaints filed there, and be-  
fore certain District Judges on certain indictments  
14 pending there, and it was necessary for said persons  
from time to time to appear before said Commissioner  
and District Judges, that is to say, that said Peter Hodo-  
rowicz and Walter Hort did appear before said United  
States Commissioner; that is to say, the said Anthony  
Hodorowicz, Clem Dowiat, and Elmer Swanson did appear  
before said Commissioner and before District Judge  
Charles E. Woodward; that is to say, the said Walter  
Kwiatkowski did appear before said United States Com-  
missioner; that is to say, the said Edward R. Dewes, Vic-  
tor Raubunas, Edward Farber and Ralph Sharp, did have  
certain matters of and concerning themselves presented  
to the Grand Jury; that is to say, Louis Kaplan and Adam  
Widzes did have certain matters of and concerning them-  
selves presented to the Grand Jury; that is to say, the said

Edward Dewes, Victor Raubunas, Edward Farber, Louis Pregenzei, Lincoln Rankin and Ralph Sharp did have certain true bills returned against them by the Grand Jury; that is to say, Edward Dewes, Victor Raubunas, Edward Farber, Louis Pregenzei, Lincoln Rankin, Ralph Sharp, alias Ralph Bogush, did appear before District Judge James H. Wilkerson to be arraigned on a certain indictment returned by the United States Grand Jury; that is to say, one Paul Svec did appear before the said United States Commissioner, and before the said United States District Judge to answer to a complaint and afterwards to an indictment; that is to say, one William Wroblewski and Edward Wroblewski and Stanley Wasielawski did have presented to a United States Grand 15 Jury certain matters of and concerning themselves upon which a true bill was returned and upon which they did later appear before a District Judge; that is to say, one Elmer Swanson and one Christ Del Rocco did appear before the said United States Commissioner; all of which was well known to the defendants:

14. And the grand jurors aforesaid, upon their oaths aforesaid, do further present that the defendants:

Daniel D. Glasser,

Norton I. Kretzke,

Anthony Horton, otherwise known as Tony Horton,  
Louis Kaplar, and

Alfred E. Roth,

well knowing the premises aforesaid, in the City of Chicago, in the State and District aforesaid, and at other places to the said grand jurors unknown, heretofore, on, to wit, March 15, 1935, and thereafter continuously up to the date of the return of this indictment, in violation of the provisions of Section 88, Title 18, of the United States Code of Laws, did wilfully, unlawfully, and feloniously conspire, combine, confederate, and agree together, and with each other, and with divers other persons to the grand jurors unknown, to commit certain offenses against the laws of the United States, to wit, the offenses more particularly described and set forth in Section 91, Title 18, of the Code of Laws of the United States; that is to say, of promising, offering, causing and procuring to be promised and offered, money and other things of value to an officer of the United States, and to persons acting for and on behalf of the United States in an official function, under and by authority of a department and office of

the Government of the United States, with intent to  
16 influence his decision and action on certain questions,  
matters, causes, and proceedings which were at times  
pending, and which were by law brought before such of-  
ficer or officers in his or their official capacity, and with  
the intent to influence such officer or officers to commit and  
aid in committing, and to collude in committing certain  
frauds on the United States, and/ to induce such officer  
or officers to do and to omit from doing certain acts in  
violation of his or their lawful duty;

15. That the conspiracy, combination, confederation,  
and agreement aforesaid was to be accomplished in the  
manner and means following, that is to say; that they, the  
said defendants, would solicit certain persons hereinafter  
referred to, charged with violating or about to be charged  
with violating the laws of the United States, to promise or  
cause to promise certain sums of money to be paid or  
pledged to the defendants herein to be used to influence  
and corrupt said defendants, Daniel D. Glasser and Norton  
I. Kretzke, in their official capacity in their decisions and  
actions on certain questions, matters, causes, and proceed-  
ings which were at a certain time or times covered by this  
indictment by law brought before said Daniel D. Glasser  
and Norton I. Kretzke in their official capacity for their  
decision and action;

16. That they, the defendants, would solicit the certain  
persons hereinafter referred to, to offer certain sums of  
money to be paid to the defendants with the intent and  
purpose that they, the said defendants, would accept and  
use said money to corruptly, wrongfully, and improperly  
influence said defendants, Daniel D. Glasser and Norton I.

Kretzke, in their decision or decisions and action or  
17 actions on certain questions, matters, causes, and pro-  
ceedings which were by law brought before them, the  
said defendants, Daniel D. Glasser and Norton I. Kretzke,  
in their official capacity for their decision and action;

17. That they, the defendants, would solicit the certain  
persons hereinafter referred to, to offer certain sums of  
money to be paid to the defendants with the intent and pur-  
pose that they, the said defendants, would accept and use  
said money to corruptly, wrongfully, and improperly in-  
fluence the said Daniel D. Glasser and Norton I. Kretzke,  
defendants, to dishonestly and wrongfully, and in violation  
of their lawful duty, aid the defendants in committing a  
certain fraud on the United States;

18. That the defendants would solicit the certain persons hereinafter referred to, charged or to be charged by the United States with violating the criminal laws of the United States, to promise, offer to promise, and procure to be promised, certain sums of money to the defendants, Daniel D. Glasser and Norton I. Kretzke, in their official capacity to be used by the defendants to corruptly and wrongfully influence the said Daniel D. Glasser and Norton I. Kretzke to collude in a fraud on the United States;

19. That the defendants would solicit from the certain persons hereinafter referred to certain sums of money that were to be promised to be paid to the defendants Daniel D. Glasser and Norton I. Kretzke in their official capacity aforesaid, with the intent to corruptly, wrong-  
18 fully and improperly influence the said Daniel D. Glasser and Norton I. Kretzke to allow a fraud to be committed on the United States;

20. That the defendants would solicit from the certain persons hereinafter referred to certain sums of money that were to be promised to be paid to the defendants Daniel D. Glasser and Norton I. Kretzke in their official capacity aforesaid, with the intent to corruptly, wrongfully and improperly influence the said Daniel D. Glasser and Norton I. Kretzke in their official capacity to dishonestly, wrongfully, and unlawfully make opportunity for the commission of a fraud on the United States;

21. That the defendants would solicit from the certain persons hereinafter referred to certain sums of money that were to be promised to be paid to the defendants Daniel D. Glasser and Norton I. Kretzke in their official capacity aforesaid with the intent to use said money to corruptly, wrongfully, and improperly induce the said Daniel D. Glasser and Norton I. Kretzke to do certain acts in violation of their lawful duties as Assistant United States Attorneys;

22. That the defendants would solicit from the certain persons hereinafter referred to certain sums of money that were to be promised to be paid to the defendants Daniel D. Glasser and Norton I. Kretzke in their official capacity with the intent to use said money to corruptly, wrongfully, and improperly induce said Daniel D. Glasser and  
19 Norton I. Kretzke in their official capacity to omit to do certain acts, in violation of their lawful duty as Assistant United States Attorneys;

23. That the defendants, as part of said conspiracy,

would solicit from the certain persons hereinafter referred to, who were charged or to be charged with violating the criminal laws of the United States, certain sums of money, that were to be promised to be paid to the defendant, Daniel D. Glasser, in his official capacity aforesaid, with the intent to corruptly, wrongfully, and improperly influence the said Daniel D. Glasser to dishonestly, wrongfully, and unlawfully collude in a fraud on the United States;

24. That the defendants, as part of said conspiracy, would solicit from the certain persons hereinafter referred to, certain sums of money, that were to be promised to be paid to the defendant, Daniel D. Glasser, in his official capacity aforesaid, with the intent to corruptly, wrongfully, and improperly influence said Daniel D. Glasser to allow a fraud to be committed on the United States;

25. That the defendants, as part of said conspiracy, would solicit from the certain persons hereinafter referred to certain sums of money that were to be promised to be paid to the defendant, Daniel D. Glasser, in his official capacity aforesaid, with the intent to corruptly, wrongfully, and improperly influence said Daniel D. Glasser to dishonestly, wrongfully and unlawfully make opportunity for the commission of a fraud on the United States;

20 26. That the defendants, as part of said conspiracy, would solicit from certain persons hereinafter referred to, who were charged or about to be charged with violating the criminal laws of the United States, certain sums of money that were to be promised to be paid to the defendant, Daniel D. Glasser, in his official capacity aforesaid, with the intent to corruptly, wrongfully, and improperly induce said Daniel D. Glasser, to dishonestly, fraudulently, and unlawfully do certain acts in violation of his lawful duty as Assistant United States Attorney;

27. That the defendants, as part of said conspiracy, would solicit from the certain persons hereinafter referred to, certain sums of money that were to be promised to be paid to the defendant, Daniel D. Glasser in his official capacity, with the intent to corruptly, wrongfully, and improperly induce said Daniel D. Glasser to omit to do a certain act or acts in violation of his lawful duty as an Assistant United States Attorney;

28. That the said defendants would contact certain persons against whom certain criminal complaints were authorized to be filed before the United States Commissioner by the said Daniel D. Glasser and Norton I. Kretzke acting

in their respective official capacities, while and at the time said complaints were so pending and to be heard by the said Commissioner, and solicit from said persons certain sums of money; and they, the defendants, would at the time of said solicitation inform said persons that if they, the said persons, would pay to them, the said defendants, certain sums of money, they, the said defendants, would use the same to corruptly and wrongfully induce and persuade the said defendants, Daniel D. Glasser and Norton I. Kretzke, to unfaithfully discharge their duties toward  
21 the United States as Assistant United States Attorneys, and that they, the defendants, would be found not guilty and discharged;

29. That the said defendants would solicit from certain persons living and residing in the district aforesaid, who were well known to the defendants and who were under the belief that the United States was about to charge them with a violation of its laws, namely, the Alcohol Tax Laws, certain sums of money that they, the defendants, were to promise to be paid to the said Daniel D. Glasser and Norton I. Kretzke in their official capacities to corruptly and wrongfully induce the said Daniel D. Glasser and Norton I. Kretzke to make their decision so that they, the said persons, would not be charged with a violation of the laws of the United States;

30. That said defendants would solicit from certain persons, some of whom are hereinafter named, who had been arrested and charged with violating the laws of the United States and who were awaiting a hearing on said charges before the United States Commissioner, certain sums of money that were to be promised to be paid to the defendants Daniel D. Glasser and Norton I. Kretzke in their official capacity to cause them, the said Daniel D. Glasser and Norton I. Kretzke, to unlawfully commit a fraud on the United States by going before said United States Commissioner and making a certain legal motion to dismiss said charges;

22 31. That said defendants would solicit the persons hereinafter referred to, who were after hearing ordered by the said Commissioner to be held to the District Court to await the action of the Grand Jury and inform said person or persons or anyone acting for or on their behalf that the said Daniel D. Glasser in his official capacity was about to appear before a Grand Jury and present to it certain facts that would result in their being indicted

and that if they, the said persons hereinafter referred to, would promise to pay to the defendants a certain sum of money or sums of money, they, the defendants, would corruptly induce the said Daniel D. Glasser to so conduct said grand jury hearing and so present said facts that the grand jury members would be improperly advised of the facts and evidence the United States had secured against them, and if the said persons hereinafter referred to would promise to pay to said defendants certain sums of money, they, the said defendants would induce the said Daniel D. Glasser to withhold from the grand jury certain facts establishing their connection with the alleged offense which said grand jury was inquiring about, and as a result of said failure on the part of the defendant, Daniel D. Glasser, to properly perform his lawful duty, the grand jury would not have before it sufficient facts to legally warrant their returning a true bill against said persons and they would be compelled to return a no bill.

23. That said defendants were from time to time covered by this indictment to contact the defendant, Daniel D. Glasser, and ascertain from Daniel D. Glasser the names and addresses of persons about to be arrested, complained against, or indicted for a violation of the Alcohol Tax Laws of the United States, and the said Daniel D. Glasser, in violation of his lawful duty, would give to said defendants the information they, the defendants, well knew was confidential, and after receiving said information the defendants would contact said persons and solicit from them certain sums of money to be used to influence said Daniel D. Glasser so that he would corruptly render his judgment and decision affecting the prosecution of said persons;

33. That the defendants, Louis Kaplan, Anthony Horton, otherwise known as Tony Horton, Norton I. Kretzke, and Alfred E. Roth, would from time to time covered by this indictment, contact certain persons hereinafter named who were defendants in certain criminal proceedings wherein the United States was plaintiff and they, the said persons, were defendants, and inform said defendants that for certain sums of money paid to them they, the said defendants, would corruptly influence said defendant, Daniel D. Glasser, who did appear from time to time in the various court rooms before the various District Judges representing and acting for and on behalf of the United States in his official capacity in the causes and proceedings affecting

the persons hereinafter named, to delay, continue, and unduly prolong said proceedings to the end that the  
24 various witnesses called to testify in said causes and proceedings would become discouraged and disheartened and would cease to have interest in said proceedings and would fail to remember the parties defendant or the part they took in said violation and as a result thereby the said trial and proceedings would be unduly delayed and a fraud would be committed on the United States;

34. That the said defendants, Louis Kaplan, Anthony Horton, otherwise known as Tony Horton, and Norton I. Kretzke, would contact the persons hereinafter mentioned that were charged with violating the laws of the United States, or were about to be charged with the violation of the laws of the United States, or who believed that they were about to be charged with violation of the laws of the United States, and inform them that for a certain sum of money paid by the said persons referred to as aforesaid, they would make certain arrangements with the said Daniel D. Glasser to the end that the said charges made or to be made against said person or persons charged, to be charged, or who believed that they were to be charged with violating the laws of the United States, would not be made or brought against them by the United States;

35. That the said Louis Kaplan, Anthony Horton, otherwise known as Tony Horton, and Norton I. Kretzke, would contact certain persons hereinafter named, and would inform them that they were to be charged with the violation of the criminal laws of the United States, and they and each of them would solicit from said persons certain  
25 sums of money which they would promise said persons would be paid to Daniel D. Glasser to influence him in his official capacity in his decisions and actions on the certain questions, matters, causes, and proceedings which were brought or to be brought against the said persons, that is to say, it was part of said conspiracy that the said Louis Kaplan, Anthony Horton, otherwise known as Tony Horton, and Norton I. Kretzke, would contact said persons and tell them that for a certain sum of money paid to them they would arrange with the said Daniel D. Glasser that he, Glasser, do certain acts in violation of his, the said Daniel D. Glasser's lawful duty as an Assistant United States Attorney, and they would promise said persons that

they, said persons, would be held harmless from prosecution;

36. That the persons whose names appear in paragraph 12 of this indictment are the persons referred to in paragraphs 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 33, 34, and 35 of this indictment as "certain persons hereinafter referred to," which said paragraph 12 is incorporated in the paragraphs mentioned immediately aforesaid by specific reference hereto, the same as if said names appeared therein;

37. That the said defendant, Daniel D. Glasser, would contact, meet, and hold conversation with the defendants and inform them from time to time what they and each of them should do to carry out said conspiracy; that said defendant, Daniel D. Glasser, would inform the defendants

from time to time the amount of evidence it, the Government of the United States, did have in its possession

to establish the guilt of the persons charged or to be charged with violating the criminal laws of the United States; that the defendant, Daniel D. Glasser, would contact the defendants and instruct them how to proceed in disposing of certain matters concerning the persons named in paragraph 12 of this indictment who were solicited to pay money to the defendants and who did pay money to the defendants; that the said Daniel D. Glasser would contact the said defendants and inform them from time to time what steps he would take or what act or acts he intended to perform in disposing of the charges pending against the persons described in paragraph 12 of this indictment; that said defendant, Daniel D. Glasser, would contact said defendants from time to time and inform them in advance what he intended to say or do upon his various appearances in court in cases involving the persons named in paragraph 12 of this indictment; that said defendant, Daniel D. Glasser, would contact said defendants from time to time and inform them how and in what manner he intended to dispose of certain complaints and indictments against the persons named in paragraph 12 of this indictment; that the said defendant, Daniel D. Glasser, would from time to time confer with Alfred E. Roth and agree with said Alfred E. Roth that steps or action each of them would take in court; that said Glasser and Roth would from time to time agree between themselves what motion or motions each would make before the various District Judges before whom certain of the persons mentioned in paragraph 12 of this

indictment would appear from time to time to answer certain indictments pending against them; that Alfred E. Roth would from time to time inform the said Glasser what action the said Norton I. Kretzke was taking from time to

time and who he, the said Norton I. Kretzke, was con-  
27 taeting; that the said Daniel D. Glasser was to inform

the said Alfred E. Roth from time to time about said matters that he was representing the United States Government in, to the end that the said Alfred E. Roth would keep the said Kretzke duly advised; that the said Daniel D. Glasser was to hold conversation with the said Anthony Horton, otherwise known as Tony Horton, for the purpose of advising the said Anthony Horton of the activities of the investigators and special investigators of the Alcohol Tax Unit so that the said Anthony Horton could convey said information to the said Norton I. Kretzke; that the said Daniel D. Glasser was to hold conversation with the said Anthony Horton, otherwise known as Tony Horton, and advise the said Anthony Horton regarding certain persons about to be arrested by the agents of the Alcohol Tax Unit to the end that said Anthony Horton and Norton I. Kretzke could contact said persons; that the said Glasser was to hold conversation with the said Louis Kaplan and advise him regarding certain matters that he was preparing to present to the United States Grand Jury;

38. That said Norton I. Kretzke was to maintain a certain office in the City of Chicago where various persons charged with violation of the Aleohol Tax Laws could go to and come from, from time to time, and hold conversation, and that said office was well known to each of the defendants and a large number of persons who were during the

time covered by this indictment engaged in violating the  
28 Aleohol Tax Laws of the United States; that said Norton I. Kretzke was to accept and take money from

these persons for and on behalf of the defendants for the purpose of carrying out this conspiracy and to remain away from the United States Court House at Chicago where said matters were pending; that said Norton I. Kretzke was to employ Alfred E. Roth, well known to the defendants, to represent said prospective offenders of the Aleohol Tax Laws that were to be complained against or that were complained against by the United States or indicted by the United States; that said Alfred E. Roth was to appear for said persons from time to time as their lawyer and

from time to time defend said persons against the charges made against them by the United States;

39. That the said conspiracy was further to be accomplished in the following manner; that the defendants would conceal such transactions and acts as aforesaid and would do such other and further acts as they might deem necessary and advisable to prevent the disclosure of the existence of said conspiracy, and would destroy records, files, books, papers, documents, court records, office records, cards, and indexes, and would counsel with one another to destroy any document or record which might in any way evidence the existence of said conspiracy, and any transaction in furtherance thereof, and would attempt to obtain the suppression of any and all information and evidence of the acts made and done in furtherance of said conspiracy;

29. And the grand jurors aforesaid, upon their oaths aforesaid, do further present and charge that said defendants and co-conspirators at the several times and places hereinafter mentioned, during the continuance of the conspiracy, did commit and do the following and other overt acts to effect the objects and purposes of said unlawful and felonious conspiracy, combination and agreement as to the means, manner, and method of carrying out the same, that is to say:

#### OVERT ACTS.

1. From, to wit, June 1, 1935, to, to wit, April 15, 1937, at the City of Chicago, State of Illinois, Daniel D. Glasser and Norton I. Kretzke did occupy a certain room in the office of the United States Attorney for the Northern District of Illinois.

2. During the period from, to wit, June 1, 1935, to, to wit, April 15, 1937, at the City of Chicago, State of Illinois, Daniel D. Glasser and Norton I. Kretzke held a number of conversations.

3. On, to wit, November 15, 1937, at 175 West Jackson Boulevard, Chicago, Illinois, Victor Raubunas, Edward R. Dewes, and Anthony Horton met.

4. On, to wit, November 15, 1937, at 175 West Jackson Boulevard, Chicago, Illinois, Victor Raubunas, Edward R. Dewes and Anthony Horton held a conversation.

30. 5. On, to wit, November 15, 1937, Norton I. Kretzke, Anthony Horton, Victor Raubunas, and Edward R.

Dewes met in the office of Norton I. Kretzke at 7 South Dearborn Street, Chicago, Illinois.

6. On, to wit, November 15, 1937, Norton I. Kretzke, Anthony Horton, Victor Raubunas and Edward R. Dewes held a conversation in the office of Norton I. Kretzke at 7 South Dearborn Street, Chicago, Illinois.

7. On, to wit, November 20, 1937, at Chicago, Illinois, Anthony Horton and Victor Raubunas held a telephone conversation.

8. On, to wit, November 15, 1937, at 7 South Dearborn Street, Chicago, Illinois, in the office of Norton I. Kretzke, Victor Raubunas paid to Norton I. Kretzke the sum of, to wit, \$300.00.

9. On, to wit, November 20, 1937, at Chicago, Illinois, Anthony Horton and Victor Raubunas held a conversation.

10. On, to wit, November 20, 1937, at Chicago, Illinois, Victor Raubunas paid to Anthony Horton, at the residence of Anthony Horton, the sum of, to wit, \$100.00.

11. On, to wit, November 15, 1938, at 7 South Dearborn Street, Chicago, Illinois, Norton I. Kretzke and Victor Raubunas met and held a conversation.

12. On, to wit, July 1, 1936, at 6557 South Western Avenue, Chicago, Illinois, Louis Kaplan, Victor Raubunas, and Ralph Sharp met.

31 13. On, to wit, July 1936, at 6557 South Western Avenue, Chicago, Illinois, Louis Kaplan, Victor Raubunas, and Ralph Sharp held a conversation.

14. On, to wit, August 30, 1936, at Chicago, Illinois, Victor Raubunas and Louis Kaplan met and held a conversation, at which time Victor Raubunas paid to Louis Kaplan the sum of, to wit, \$500.00.

15. On, to wit, September 7, 1937, at Chicago, Illinois, in a certain room in the United States Court House wherein the grand jury was sitting, Daniel D. Glasser did appear before said grand jury and present to said grand jury certain facts concerning a violation of the alcohol tax laws, namely, certain facts concerning the seizure of a certain unregistered still found and seized at 2524-34 Western Avenue, Chicago, Illinois.

16. On, to wit, April 15, 1938, at Chicago, Illinois, Victor Raubunas paid to Louis Kaplan the sum of, to wit, \$500.00.

17. On, to wit, January 19, 1937, at Chicago, Illinois, Ralph Sharp and Louis Kaplan met.

18. On, to wit, January 19, 1937, at Chicago, Illinois, Ralph Sharp and Louis Kaplan held a conversation.

19. On, to wit, February 10, 1937, at or near LaSalle Street and Jackson Boulevard, Chicago, Illinois, Victor Raubunas, Louis Kaplan, Anthony Horton, and Ralph Sharp met and held a conversation.

20. On, to wit, February 15, 1937, at Chicago, Illinois, Norton I. Kretzke and Daniel D. Glasser and Ralph Sharp appeared before the United States Commissioner, Edward K. Walker, in the United States Court House at Chicago, Illinois.

22. 21. On, to wit, February 15, 1937, at Kedzie and Ogden Avenues in the City of Chicago, State of Illinois, Ralph Sharp and Louis Kaplan met and held a conversation.

22. On, to wit, December 10, 1938, in Room 857 in the United States Court House, Chicago, Illinois, Daniel D. Glasser and Paul Svec met and held a conversation.

23. On, to wit, August 15, 1937, at the United States Court House, Chicago, Illinois, Paul Svec and Anthony Horton met.

24. On, to wit, August 15, 1937, at or near the United States Court House, Chicago, Illinois, Paul Svec and Anthony Horton were together in a certain automobile.

25. On, to wit, August 15, 1937, at Chicago, Illinois, at or near a place on Maxwell Street in the city aforesaid, Paul Svec, Anthony Horton and Norton I. Kretzke met and held a conversation.

26. On, to wit, June 1, 1937, at or near May and Polk Streets, in the City of Chicago, Illinois, Daniel D. Glasser and one Albert Yario, alias Sheeny Albert, met and held a conversation.

27. On, to wit, May 15, 1937, before the May grand Jury then sitting, in a room in the United States Court House, Daniel D. Glasser did appear and question a certain witness named Joseph Cole.

28. On, to wit, January 22, 1937, at 7 South Dearborn Street, Chicago, Illinois, Frank Hodorowicz and Norton I. Kretzke met.

33. 29. On, to wit, January 22, 1937, at 7 South Dearborn Street, Chicago, Illinois, Frank Hodorowicz and Norton I. Kretzke held a conversation.

30. On, to wit, January 27, 1937, at 7 South Dearborn Street, Chicago, Illinois, Frank Hodorowicz and Norton I. Kretzke met and held a conversation.

31. On, to wit, September 15, 1937, at 7 South Dearborn Street, Chicago, Illinois, Frank Hodorowicz and Norton I. Kretzke met and held a conversation.

32. On, to wit, January 27, 1937, at 7 South Dearborn Street, Chicago, Illinois, Frank Hodorowicz and Norton I. Kretzke met and held a conversation, at which time Frank Hodorowicz paid to Norton I. Kretzke the sum of \$800.00.

33. On, to wit, September 22, 1937, at 7 South Dearborn Street, Chicago, Illinois, Frank Hodorowicz and Norton I. Kretzke met and held a conversation, at which time Frank Hodorowicz paid to Norton I. Kretzke the sum of \$800.00.

34. On, to wit, December 31, 1937, at 11823 South Michigan Avenue, Chicago, Illinois, Elmer Swanson, Frank Hodorowicz, Christ Del Rocco, and Norton I. Kretzke met and held a conversation.

35. From, to wit, January 1, 1937, until, to wit, June 1, 1939, Daniel D. Glasser, from time to time, in the United States Court House and in room 857 of the United States Attorney's office, met and held conversations with Anthony Horton.

34 36. On, to wit, December 31, 1937, at 11823 South Michigan Avenue, Chicago, Illinois, Elmer Swanson, Frank Hodorowicz, Christ Del Rocco, and Norton I. Kretzke met and held a conversation, at which time Frank Hodorowicz paid to Norton I. Kretzke the sum of, to wit, \$500.00.

37. On, to wit, January 25, 1938, at 7 South Dearborn Street, Chicago, Illinois, Anthony Horton, Christ Del Rocco, Elmer Swanson, Frank Hodorowicz, met in the office of Norton I. Kretze and held a conversation.

38. On, to wit, January 25, 1938, at Chicago, Illinois, Anthony Horton, Christ Del Rocco, Elmer Swanson, and Frank Hodorowicz met in the office of Alfred E. Roth and held a conversation with Alfred E. Roth.

39. On, to wit, June 1, 1938, at Chicago, Illinois, in the home of Frank Hodorowicz, Frank Hodorowicz and Norton I. Kretzke met and held a conversation.

40. On, to wit, June 11, 1938, in the United States Court House at Chicago, Illinois, Frank Hodorowicz and Anthony Horton met and held a conversation.

41. On, to wit, June 15, 1938, at Chicago, Illinois, in the office of Norton I. Kretzke located at 7 South Dearborn Street, Frank Hodorowicz, Mike Hodorowicz, Peter Hodorowicz, and Clem Dowiat met and held a conversation, at

which time Frank Hodorowicz paid to Norton I. Kretzke the sum of, to wit, \$200.00.

42. On, to wit, July 15, 1938, at Room 857 in the United States Court House, at Chicago, Illinois, Frank Hodorowicz and Daniel D. Glasser met and held a conversation.

35 43. On, to wit, July 20, 1938, at Room 857 in the United States Court House, at Chicago, Illinois, Mike Hodorowicz and Daniel D. Glasser met and held a conversation.

44. Between, to wit, January 1, 1938 and June 1, 1938, at or near Kedzie and Ogden Avenues, Chicago, Illinois, Norton I. Kretzke, Daniel D. Glasser, and Louis Kaplan met and held a conversation.

45. Between, to wit, January 1, 1938 and June 1, 1938, at or near Kedzie Avenue and Douglas Boulevard, Chicago, Illinois, Norton I. Kretzke, Daniel D. Glasser, and Louis Kaplan met and held a conversation.

46. On, to wit, March 29, 1938, in the court room of U. S. District Judge, Charles E. Woodward, in the United States Court House, at Chicago, Illinois, Daniel D. Glasser and Alfred E. Roth met and held a conversation, and said Daniel D. Glasser, on behalf of the United States, made a certain motion to continue generally a cause of the United States versus Anthony Hodorowicz, Clemens Dowiat and Carl Swanson.

47. On, to wit, April 28, 1938, in the court room of U. S. District Judge, Charles E. Woodward, in the United States Court House, at Chicago, Illinois, Daniel D. Glasser and Alfred E. Roth met and held a conversation, at which time Daniel D. Glasser, on behalf of the United States, made a certain motion to strike the case of United States versus Anthony Hodorowicz, Clemens Dowiat and Carl Swanson from the docket with leave to reinstate.

36 48. On, to wit, January 28, 1938, in Room 857 of the United States Court House, at Chicago, Illinois, Mae Jorkas and Daniel D. Glasser met.

49. On, to wit, January 28, 1938, in Room 857 of the United States Court House, at Chicago, Illinois, Mae Jorkas and Daniel D. Glasser held a conversation.

50. On, to wit, July 10, 1939, at Fort Wayne, Indiana, Norton I. Kretzke, Alfred E. Roth, and Alexander Campbell met.

**Second Count.**

And the grand jurors aforesaid, upon their oath aforesaid, do further present:

1. That at all times covered by this indictment, subsequent to, to wit, March 15, 1935, the defendant hereinafter named, Daniel D. Glasser, was an Assistant United States Attorney for the Northern District of Illinois, employed under the provisions of the United States statute in such case made and provided to assist the United States Attorney to prosecute in his district all delinquents for crimes and offenses cognizable under the authority of the United States at Chicago, Illinois, and as such Assistant United States Attorney he did, at all times covered by this indictment, from time to time, in certain United States court rooms, United States Grand Jury rooms, and United States Commissioners' rooms, and in the office of the United States Attorney at Chicago, and at other places in the aforesaid district, act for and on behalf of the United States in certain official functions under and by authority of the Department of Justice of the United States, and as such officer of the United States, he did, at all times covered by this indictment, have certain decisions to make and actions to take on certain questions, matters, causes and proceedings which were from time to time pending and which were from time to time brought before him in his capacity as such official in the performance of his duties as such Assistant United States Attorney, that is to say, the

38 said Daniel D. Glasser was required to perform certain duties for and on behalf of the United States as Assistant United States Attorney in prosecuting various persons who were from time to time charged with committing certain offenses against the laws of the United States, namely, to wit, the offenses of unlawfully possessing a still set up not registered as required by law; with carrying on the business of a distillery and wilfully and feloniously failing to pay taxes on spirits distilled; with carrying on the business of a wholesale liquor dealer and wilfully failing to pay the special tax required by law; with carrying on the business of a distiller and wilfully failing to display the sign "registered distillery" as required by law; with carrying on the business of a distiller without having given the bond required by law; with having made and fermented a mash fit for distillation in a building other

than a duly qualified registered distillery; with having unlawfully removed and concealed goods and commodities on which a tax was imposed with intent to defraud the United States of such tax; with unlawful possession of distilled spirits, the containers of which did not have affixed stamps required by law to denote payment of the internal revenue taxes imposed thereon; which offenses are more clearly defined and set forth under Title 26 of the United States Code of Laws;

2. That part of the time covered by this indictment, namely, from, to wit, March 15, 1935, to, to wit, April 15, 1937, Norton I. Kretzke was an Assistant United States Attorney for the Northern District of Illinois employed under the provisions of the United States statute in such case made and provided to assist the United States Attorney to prosecute in his district all delinquents for crimes and

39 offenses cognizable under the authority of the United States at Chicago, Illinois, and as such Assistant United States Attorney he did, from time to time, in certain United States court rooms and United States Grand Jury rooms, and United States Commissioners' rooms, and in the office of the United States Attorney at Chicago, and at other places in the aforesaid district, act for and on behalf of the United States in certain official functions under and by authority of the Department of Justice of the United States, and as such officer of the United States he did have certain decisions to make and actions to take on certain questions, matters, causes, and proceedings which were from time to time pending and which were from time to time brought before him in his capacity as such official in the performance of his duties as such Assistant United States Attorney, that is to say, the said Norton I. Kretzke was required to perform certain duties for and on behalf of the United States as Assistant United States Attorney in prosecuting various persons who were from time to time charged with committing certain offenses against the laws of the United States, namely, to wit, the offenses of unlawfully possessing a still set up not registered as required by law; with carrying on the business of a distillery and wilfully and feloniously failing to pay taxes on spirits distilled; with carrying on the business of a wholesale liquor dealer and wilfully failing to pay the special tax required by law; with carrying on the business of a distiller and wilfully failing to display the sign "registered distillery"

as required by law; with carrying on the business of a distiller without having given the bond required by law; with having made and fermented a mash fit for distillation in a building other than a duly qualified registered distillery; with having unlawfully removed and concealed goods and commodities on which a tax was imposed with intent to defraud the United States of such tax; with unlawful possession of distilled spirits, the containers of which did not have affixed stamps required by law to denote payment of the internal revenue taxes imposed thereon; which offenses are more clearly defined and set forth under Title 26 of the United States Code of Laws;

3. That at certain times covered by this indictment, subsequent to, to wit, March 15, 1935, the defendant herein-after named, Louis Kaplan, well known to the defendants, was a person committing certain offenses against the United States, namely, offenses against the alcohol tax laws, and was a person associating himself with certain persons well known to the defendants to be offenders against the laws of the United States, that is, the Alcohol Tax Laws;

4. That at all times covered by this indictment, subsequent to, to wit, March 15, 1935, the defendant herein-after named, Alfred E. Roth, was an attorney at law, well known to the defendants, and was duly licensed to practice law in the courts of the United States;

5. That at all times covered by this indictment, subsequent to, to wit, March 15, 1935, the United States did maintain a certain governmental agency known as the Alcohol Tax Unit, a unit of the Bureau of Internal Revenue in the Treasury Department of the United States;

41 6. That at all times covered by this indictment, subsequent to the date aforesaid, the duties of the Alcohol Tax Unit, well known to the defendants, were to enforce the Treasury rules and regulations governing the production and distribution of alcohol and to supervise the various distilleries and breweries that operate under government supervision, and to enforce the laws pertaining to the traffic in non-tax-paying alcohol;

7. That at all times covered by this indictment subsequent to the date aforesaid, the Alcohol Tax Unit, well known to the defendants aforesaid, to carry out the governmental function aforesaid, did employ and maintain a certain staff of special investigators and investigators, to

wit, one hundred and fifty men who performed the duties of investigating violations of the Aleohol Tax Laws and making arrests therefor, and that during the time aforesaid the said investigators would from time to time visit the office of the United States Attorney for the purpose of securing authorization from the said United States Attorney to file criminal complaints against certain persons arrested for Aleohol Tax Law violations;

8. That it was the lawful duty of said defendants, Daniel D. Glasser and Norton I. Kretzke, well known to the defendants, as Assistant United States Attorneys acting for and on behalf of the United States, to prosecute offenders of the Aleohol Tax Laws, that is to say, it was the lawful duty, well known to the defendants, of the said Daniel D. Glasser and Norton I. Kretzke to hear and re-

view certain facts presented to them from time to time by said investigators representing the aforesaid governmental agency and to make decisions and take action thereon to the end that said investigators would know whether or not said offenders were guilty in law as well as fact and that they would be so prosecuted by the United States, that is to say, whether or not certain complaints would be authorized to be filed against them upon which warrants would issue for their arrest;

9. That at times covered by this indictment subsequent to, to wit, March 15, 1935, it was the lawful duty of said defendants, Daniel D. Glasser and Norton I. Kretzke, which duty was well known to the defendants, as Assistant United States Attorneys acting for and on behalf of the United States, to appear before the various United States Grand Juries summoned to hear questions, matters, and causes, and to vote indictments and present to them, the members of said Grand Juries, certain facts furnished to them by said investigators indicating or failing to indicate that certain persons had offended against the laws of the United States, particularly the Aleohol Tax Laws, and as a consequence thereof were guilty or not guilty of certian felonies, and that said defendants well knew that the said Daniel D. Glasser and the said Norton I. Kretzke, in the performance of their lawful duty or duties, did, from time to time, appear before said United States Grand Juries for the purpose of presenting to them, the members of the said

Grand Juries, certain facts;

43 10. That on, to wit, April 15, 1937, the said defendant, Norton I. Kretzke, resigned as an Assistant

United States Attorney, a fact well known to the defendants, and subsequently thereto, down to and including the date of this indictment, said defendant held no official position with the Government of the United States;

11. That at all times covered by this indictment subsequent to, to wit, March 15, 1935, the defendant herein-after named, Anthony Horton, commonly known as Tony Horton, well known to the defendants, was a professional bondsman who, during all the time covered by this indictment, did from time to time in the district aforesaid secure and provide certain sureties for various persons required to give bond to answer to criminal charges brought against them by the Government of the United States;

12. That, well known to the defendants, at certain times covered by this indictment subsequent to, to wit, March 15, 1935, the following persons, Frank Hodorowicz, Peter Hodorowicz, Mike Hodorowicz, Anthony Hodorowicz, Walter Haleban, also known as Walter Hort, Clem Dowiat, Elmer Swanson, Christ del Rocco, Walter Kwiatkowski, Edward R. Dewes, Victor Raubunas, Edward Farber, Louis Pregenzei, Lincoln Rankin, Ralph Sharp, alias Ralph Bogush, William Wroblewski, Edward Wroblewski, Paul Svec, Stanley Wasielawski, Stanley Slessur, otherwise known as Stanley Slasuraitis, Louis Kaplan,

and Adam Widzes, and many other persons to the  
44 grand jurors unknown, were arrested by officers of the United States and charged with unlawfully violating certain laws of the United States, namely, to wit, certain provisions of Title 26 of the United States Code, that is to say, the aforesaid persons were, subsequent to the date immediately aforesaid, arrested and charged with unlawfully possessing a still set up not registered as required by law; of carrying on the business of a distillery and wilfully and feloniously failing to pay taxes on spirits distilled; of carrying on the business of a wholesale liquor dealer and wilfully failing to pay the special tax required by law; of carrying on the business of a distiller and wilfully failing to display the sign "registered distillery" as required by law; of carrying on the business of a distiller without having given the bond required by law; of having made and fermented a mash fit for distillation in a building other than a duly qualified registered distillery; of having unlawfully removed and concealed goods and commodities on which a tax was imposed with in-

tent to defraud the United States of such tax; of unlawful possession and transportation of distilled spirits, the containers of which did not have affixed stamps required by law to denote payment of the internal revenue taxes imposed thereon;

13. That subsequent to the arrest of the above persons they were given various hearings before the United States Commissioner on certain complaints filed there, and before certain District Judges on certain indictments 45 pending there, and it was necessary for said persons

from time to time to appear before said Commissioner and District Judges, that is to say, that said Peter Hodorowicz and Walter Hort did appear before said United States Commissioner; that is to say, the said Anthony Hodorowicz, Clem Dowiat, and Elmer Swanson did appear before said Commissioner and before District Judge Charles E. Woodward; that is to say, the said Walter Kwiatkowski did appear before said United States Commissioner; that is to say, the said Edward R. Dewes, Victor Raubunas, Edward Farber and Ralph Sharp, did have certain matters of and concerning themselves presented to the Grand Jury; that is to say, Louis Kaplan and Adam Widžes did have certain matters of and concerning themselves presented to the Grand Jury; that is to say, the said Edward Dewes, Victor Raubunas, Edward Farber, Louis Pregenzei, Lincoln Rankin and Ralph Sharp did have certain true bills returned against them by the Grand Jury; that is to say, Edward Dewes, Victor Raubunas, Edward Farber, Louis Pregenzel, Lincoln Rankin, Ralph Sharp, alias Ralph Bogush, did appear before District Judge James H. Wilkerson to be arraigned on a certain indictment returned by the United States Grand Jury; that is to say, one Paul Svec did appear before the said United States Commissioner, and before the said United States District Judge to answer to a complaint and afterward to an indictment; that is to say, one William Wroblewski and Edward Wroblewski and Stanley Wasielawski did have presented to a

United States Grand Jury certain matters of and 46 concerning themselves upon which a true bill was returned and upon which they did later appear before a District Judge; that is to say, one Elmer Swanson and one Christ Del Rocca did appear before the said United States Commissioner, all of which was well known to the defendants;

14. And the grand jurors aforesaid, upon their oaths aforesaid, do further present that the defendants:

Daniel D. Glasser,

Norton I. Kretzke,

Anthony Horton, otherwise known as Tony Horton,  
Louis Kaplan, and

Alfred E. Roth,

well knowing the premises aforesaid, in the City of Chicago, in the State and District aforesaid, and at other places to the said grand jurors unknown, heretofore, on, to wit, March 15, 1935, and thereafter continuously up to the date of the return of this indictment, in violation of the provisions of Section 88, Title 18, of the United States Code of Laws, did wilfully, unlawfully, and feloniously conspire, combine, confederate, and agree together, and with each other, and with divers other persons to the grand jurors unknown, to defraud the United States of and concerning its governmental function to be honestly, faithfully and dutifully represented in the courts of the United States by a United States Attorney or an Assistant United States Attorney to prosecute certain delinquents for crimes and offenses cognizable under the authority of the United States as the same should be

presented and determined according to law and justice, free from corruption, improper influence, dishonesty or fraud, more particularly its right to a

conscientious, faithful and honest representation of its interests in certain suits, controversies, proceedings, matters, actions, and causes brought and pending in the United States Courts in the Northern District of Illinois; that is to say, by promising, offering, causing and procuring to be promised and offered, money and other things of value to an officer of the United States, and to persons acting for and on behalf of the United States in an official function, under and by authority of a department and office of the Government of the United States, with intent to influence his decision and action on certain questions, matters, causes, and proceedings which were at times pending, and which were by law brought before such officer or officers in his or their official capacity, and with the intent to influence such officer or officers to commit and aid in committing, and to collude in committing certain frauds on the United States, and to induce such officer or officers to do and to omit from doing certain acts in violation of his or their lawful duty;

15. That the conspiracy, combination, confederation, and agreement aforesaid was to be accomplished in the manner and means following, that is to say, that they, the said defendants, would solicit certain persons hereinafter referred to, charged with violating or about to be charged with violating the laws of the United States, to promise or cause to promise certain sums of money to be paid or pledged to the defendants herein to be used to influence and corrupt said defendants, Daniel D. Glasser and Norton I. Kretzke, in their official capacity  
48 in their decisions and actions on certain questions, matters, causes, and proceedings which were at a certain time or times covered by this indictment by law brought before said Daniel D. Glasser and Norton I. Kretzke in their official capacity for their decision and action;

16. That they, the defendants, would solicit the certain persons hereináfter referred to, to offer certain sums of money to be paid to the defendants with the intent and purpose that they, the said defendants, would accept and use said money to corruptly, wrongfully, and improperly influence said defendants, Daniel D. Glasser and Norton I. Kretzke, in their decicision or decisions and action or actions on certain questions, matters, causes, and proceedings which were by law brought before them, the said defendants, Daniel D. Glasser and Norton I. Kretzke, in their official capacity for their decision and action;

17. That they, the defendants, would solicit the certain persons hereinafter referred to, to offer certain sums of money to be paid to the defendants with the intent and purpose that they, the said defendants, would accept and use said money to corruptly, wrongfully, and improperly influence the said Daniel D. Glasser and Norton I. Kretzke, defendants, to dishonestly and wrongfully, and in violation of their lawful duty, aid the defendants in committing a certain fraud on the United States;

18. That the defendants would solicit the certain persons hereinafter referred to, charged or to be charged by the United States with violating the criminal laws of the United States, to promise, offer to promise, and pro-  
49 cure to be promised, certain sums of money to the defendants, Daniel D. Glasser and Norton I. Kretzke, in their official capacity, to be used by the defendants to corruptly and wrongfully influence the said Daniel D.

Glasser and Norton I. Kretzke to collude in a fraud on the United States;

19. That the defendants would solicit from the certain persons hereinafter referred to certain sums of money that were to be promised to be paid to the defendants, Daniel D. Glasser and Norton I. Kretzke, in their official capacity aforesaid, with the intent to corruptly, wrongfully and improperly influence the said Daniel D. Glasser and Norton I. Kretzke to allow a fraud to be committed on the United States;

20. That the defendants would solicit from the certain persons hereinafter referred to certain sums of money that were to be promised to be paid to the defendants, Daniel D. Glasser and Norton I. Kretzke, in their official capacity aforesaid, with the intent to corruptly, wrongfully and improperly influence the said Daniel D. Glasser and Norton I. Kretzke in their official capacity to dishonestly, wrongfully, and unlawfully make opportunity for the commission of a fraud on the United States;

21. That the defendants would solicit from the certain persons hereinafter referred to certain sums of money that were to be promised to be paid to the defendants, Daniel D. Glasser and Norton I. Kretzke, in their official capacity aforesaid, with the intent to use said money to corruptly, wrongfully, and improperly induce the  
50 said Daniel D. Glasser and Norton I. Kretzke to do certain acts in violation of their lawful duties as Assistant United States Attorneys;

22. That the defendants would solicit from the certain persons hereinafter referred to certain sums of money that were to be promised to be paid to the defendants, Daniel D. Glasser and Norton I. Kretzke, in their official capacity, with the intent to use said money to corruptly, wrongfully, and improperly induce said Daniel D. Glasser and Norton I. Kretzke in their official capacity to omit to do certain acts, in violation of their lawful duty as Assistant United States Attorneys;

23. That the defendants, as part of said conspiracy, would solicit from the certain persons hereinafter referred to, who were charged or to be charged with violating the criminal laws of the United States, certain sums of money, that were to be promised to be paid to the defendant, Daniel D. Glasser, in his official capacity aforesaid, with the intent to corruptly, wrongfully, and improperly influence the said Daniel D. Glasser to dis-

honestly, wrongfully, and unlawfully collude in a fraud on the United States;

24. That the defendants, as part of said conspiracy, would solicit from the certain persons hereinafter referred to, certain sums of money, that were to be promised to be paid to the defendant, Daniel D. Glasser, in his official capacity aforesaid, with the intent to corruptly, wrongfully, and improperly influence said Daniel D. Glasser to allow a fraud to be committed on the United States;

51 25. That the defendants, as part of said conspiracy, would solicit from the certain persons hereinafter referred to certain sums of money that were to be promised to be paid to the defendant, Daniel D. Glasser, in his official capacity aforesaid, with the intent to corruptly, wrongfully, and improperly influence said Daniel D. Glasser to dishonestly, wrongfully, and unlawfully make opportunity for the commission of a fraud on the United States;

26. That the defendants, as part of said conspiracy, would solicit from certain persons hereinafter referred to, who were charged or about to be charged with violating the criminal laws of the United States, certain sums of money that were to be promised to be paid to the defendant, Daniel D. Glasser, in his official capacity aforesaid, with the intent to corruptly, wrongfully, and improperly induce said Daniel D. Glasser to dishonestly, fraudulently, and unlawfully do certain acts in violation of his lawful duty as Assistant United States Attorney;

27. That the defendants, as part of said conspiracy, would solicit from the certain persons hereinafter referred to, certain sums of money that were to be promised to be paid to the defendant, Daniel D. Glasser, in his official capacity, with the intent to corruptly, wrongfully, and improperly induce said Daniel D. Glasser to omit to do certain act or acts in violation of his lawful duty as an Assistant United States Attorney;

28. That the said defendants would contact certain persons against whom certain criminal complaints were authorized to be filed before the United States Commissioner by the said Daniel D. Glasser and Norton L.

52 Kretzke, acting in their respective official capacities, while and at the time said complaints were so pending and to be heard by the said Commissioner, and solicit from said persons certain sums of money; and they, the

defendants, would at the time of said solicitation inform said persons that if they, the said persons, would pay to them, the said defendants, certain sums of money, they, the said defendants, would use the same to corruptly and wrongfully induce and persuade the said defendants, Daniel D. Glasser and Norton I. Kretzke, to unfaithfully discharge their duties toward the United States as Assistant United States Attorneys, and that they, the defendants, would be found not guilty and discharged;

29. That the said defendants would solicit from certain persons living and residing in the district aforesaid, who were well known to the defendants and who were under the belief that the United States was about to charge them with a violation of its laws, namely, the Alcohol Tax Laws, certain sums of money that they, the defendants, were to promise to be paid to the said Daniel D. Glasser and Norton I. Kretzke in their official capacities to corruptly and wrongfully induce the said Daniel D. Glasser and Norton I. Kretzke to make their decision so that they, the said persons, would not be charged with a violation of the laws of the United States:

30. That said defendants would solicit from certain persons, some of whom are hereinafter named, who had been arrested and charged with violating the laws of the United States and who were awaiting a hearing on said charges before the United States Commissioner, certain sums of money that were to be promised to be paid to the defendants, Daniel D. Glasser and Norton I. Kretzke, in their official capacity, to cause them, the said Daniel D. Glasser and Norton I. Kretzke, to unlawfully commit a fraud on the United States by going before said United States Commissioner and making a certain legal motion to dismiss said charges:

31. That said defendants would solicit the persons hereinafter referred to, who were after hearing ordered by the said Commissioner to be held to the District Court to await the action of the Grand Jury, and inform said person or persons or anyone acting for or on their behalf that the said Daniel D. Glasser in his official capacity was about to appear before a Grand Jury and present to it certain facts that would result in their being indicted and that if they, the said persons hereinafter referred to, would promise to pay to the defendants a certain sum of money or sums of money, they, the defendants, would corruptly induce the said Daniel D. Glasser to so conduct

said grand jury hearing and so present said facts that the grand jury members would be improperly advised of the facts and evidence the United States had secured against them, and if the said persons hereinafter referred to would promise to pay to said defendants certain sums of money, they, the said defendants, would induce the said Daniel D. Glasser to withhold from the Grand Jury certain facts establishing their connection with the alleged offense which said grand jury was inquiring about, and as a result of said failure on the part of the defendant, Daniel D. Glasser, to properly perform his lawful duty,

the Grand Jury would not have before it sufficient  
54 facts to legally warrant their returning a true bill  
against said persons and they would be compelled to return a no bill;

32. That said defendants were from time to time covered by this indictment to contact the defendant, Daniel D. Glasser, and ascertain from Daniel D. Glasser the names and addresses of persons about to be arrested, complained against, or indicted for a violation of the Alcohol Tax Laws of the United States, and the said Daniel G. Glasser, in violation of his lawful duty, would give to said defendants the information they, the defendants, well knew was confidential, and after receiving said information the defendants would contact said persons and solicit from them certain sums of money to be used to influence said Daniel D. Glasser so that he would corruptly render his judgment and decision affecting the prosecution of said persons;

33. That the defendants, Louis Kaplan, Anthony Horton, otherwise known as Tony Horton, Norton I. Kretzke, and Alfred E. Roth, would from time to time covered by this indictment, contact certain persons hereinafter named who were defendants in certain criminal proceedings wherein the United States was plaintiff and they, the said persons, were defendants, and inform said defendants that for certain sums of money paid to them they, the said defendants, would corruptly influence said defendant, Daniel D. Glasser, who did appear from time to time in the various court rooms before the various District Judges representing and acting for and on behalf of the United States in his official capacity in the causes and proceedings affecting the persons hereinafter named, to de-  
55 lay, continue, and unduly prolong said proceedings to the end that the various witnesses called to testify in

said causes and proceedings would become discouraged and disheartened and would cease to have interest in said proceedings and would fail to remember the parties defendant or the part they took in said violation and as a result thereby the said trial and proceedings would be unduly delayed and a fraud would be committed on the United States;

34. That the said defendants, Louis Kaplan, Anthony Horton, otherwise known as Tony Horton, and Norton I. Kretzke, would contact the persons hereinafter mentioned that were charged with violating the laws of the United States, or were about to be charged with the violation of the laws of the United States, or who believed that they were about to be charged with violation of the laws of the United States, and inform them that for a certain sum of money paid by the said persons referred to as aforesaid, they would make certain arrangements with the said Daniel D. Glasser to the end that the said charges made or to be made against said person or persons charged, to be charged, or who believed that they were to be charged with violating the laws of the United States, would not be made or brought against them by the United States;

35. That the said Louis Kaplan, Anthony Horton, otherwise known as Tony Horton, and Norton I. Kretzke, would contact certain persons hereinafter named, and would inform them that they were to be charged with the violation of the criminal laws of the United States, and

they and each of them would solicit from said persons 56 certain sums of money which they would promise said persons would be to Daniel D. Glasser to influence him in his official capacity in his decisions and actions on the certain questions, matters, causes, and proceedings which were brought or to be brought against the said persons, that is to say, it was part of said conspiracy that the said Louis Kaplan, Anthony Horton, otherwise known as Tony Horton, and Norton I. Kretzke, would contact said persons and tell them that for a certain sum of money paid to them they would arrange with the said Daniel D. Glasser that he, Glasser, do certain acts in violation of his, the said Daniel D. Glasser's, lawful duty as an Assistant United States Attorney, and they would promise said persons that they, said persons, would be held harmless from prosecution;

36. That the persons whose names appear in paragraph 12 of this indictment are the persons referred to in para-

graphs 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 33, 34, and 35 of this indictment as "certain persons hereinafter referred to" which said paragraph 12 is incorporated in the paragraphs mentioned immediately aforesaid by specific reference hereto, the same as if said names appeared therein:

37. That the said defendant, Daniel D. Glasser, would contact, meet, and hold conversation with the defendants and inform them from time to time what they and each of them should do to carry out said conspiracy; that said defendant, Daniel D. Glasser, would inform the defendants

from time to time the amount of evidence it, the Government of the United States, did have in its possession to establish the guilt of the persons charged or

to be charged with violating the criminal laws of the United States; that the defendant, Daniel P. Glasser, would contact the defendants and instruct them how to proceed in disposing of certain matters concerning the persons named in paragraph 12 of this indictment who were solicited to pay money to the defendants and who did pay money to the defendants; that the said Daniel D. Glasser would contact the said defendants and inform them from time to time what steps he would take or what act or acts he intended to perform in disposing of the charges pending against the persons described in paragraph 12 of this indictment; that said defendant, Daniel D. Glasser, would contact said defendants from time to time and inform them in advance what he intended to say or do upon his various appearances in court in cases involving the persons named in paragraph 12 of this indictment; that said defendant, Daniel D. Glasser, would contact said defendants from time to time and inform them how and in what manner he intended to dispose of certain complaints and indictments against the persons named in paragraph 12 of this indictment; that the said defendant, Daniel D. Glasser, would from time to time confer with Alfred E. Roth and agree with said Alfred E. Roth what steps or action each of them would take in court; that said Glasser and Roth would from time to time agree between themselves what motion or motions each would make before the various District Judges before whom certain of the persons mentioned in paragraph 12 of this indictment would appear from time to time to answer certain indictments pending against them; that Alfred E. Roth would from time to time inform the said

Glasser what action the said Norton I. Kretzke was taking from time to time and who he, the said Norton 58 I. Kretzke, was contacting; that the said Daniel D.

Glasser was to inform the said Alfred E. Roth from time to time about said matters that he was representing the United States Government in, to the end that the said Alfred E. Roth would keep the said Kretzke duly advised; that the said Daniel D. Glasser was to hold conversation with the said Anthony Horton, otherwise known as Tony Horton, for the purpose of advising the said Anthony Horton of the activities of the investigators and special investigators of the Alcohol Tax Unit so that the said Anthony Horton could convey said information to the said Norton I. Kretzke; that the said Daniel D. Glasser was to hold conversation with the said Anthony Horton, otherwise known as Tony Horton, and advise the said Anthony Horton regarding certain persons about to be arrested by the agents of the Alcohol Tax Unit to the end that said Anthony Horton and Norton I. Kretzke could contact said persons; that the said Glasser was to hold conversation with the said Louis Kaplan and advise him regarding certain matters that he was preparing to present to the United States Grand Jury;

38. That said Norton I. Kretzke was to maintain a certain office in the City of Chicago where various persons charged with violation of the Alcohol Tax Laws could go to and come from, from time to time, and hold conversation, and that said office was well known to each of the defendants and a large number of persons who were 59 during the time covered by this indictment engaged in violating the Alcohol Tax Laws of the United States; that said Norton I. Kretzke was to accept and take money from these persons for and on behalf of the defendants for the purpose of carrying out this conspiracy and to remain away from the United States Court House at Chicago where said matters were pending; that said Norton I. Kretzke was to employ Alfred E. Roth, well known to the defendants, to represent said prospective offenders of the Alcohol Tax Laws that were to be complained against or that were complained against by the United States or indicted by the United States; that said Alfred E. Roth was to appear for said persons from time to time as their lawyer and from time to time defend said persons against the charges made against them by the United States;

39. That the said conspiracy was further to be accom-

plished in the following manner: That the defendants would conceal such transaction and acts as aforesaid and would do such other and further acts as they might deem necessary and advisable to prevent the disclosure of the existence of said conspiracy, and would destroy records, files, books, papers, documents, court records, office records, cards, and indexes, and would counsel with one another to destroy any document or record which might in any way evidence the existence of said conspiracy, and any transactions in furtherance thereof, and would attempt to obtain the suppression of any and all information and evidence of the acts made and done in furtherance of said conspiracy;

60 And the grand jurors aforesaid, upon their oaths aforesaid, do further present and charge that the said defendants and co-conspirators, at the several times and places hereinbefore mentioned in this indictment, during the continuance of the conspiracy, and to effect the objects and purposes of said unlawful and felonious conspiracy, combination and agreement, did commit certain overt acts, which said overt acts are set forth and described in the first count of this indictment and which said overt acts, Nos. 1 to 50, both inclusive, are incorporated herein by reference as though fully set forth, and are made a part hereof.

William J. Campbell,  
*United States Attorney.*

61

No. 31825.

## UNITED STATES DISTRICT COURT.

Northern District of Illinois,

Eastern Division.

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The United States of America,*vs.*Daniel D. Glasser, Norton I. Kretzke, Anthony Horton,  
otherwise known as Tony Horton, Louis Kaplan, and  
Alfred E. Roth.

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*Indictment.*

Vic: Section 88, Title 18, United States Code.

(Conspiracy to violate Section 91, Title 18, United States  
Code, and conspiracy to defraud the United States.)

A true bill,

George A. Hancock,  
*Foreman.*

Filed in open court this 29th day of Sept., A. D. 1939.

Hoyt King,  
*Clerk.*

2      And afterwards, to wit, on the 29th day of September A. D. 1939, being one of the days of the regular September term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable James H. Wilkerson District Judge appears the following entry,  
to wit:

3

UNITED STATES DISTRICT COURT,

Northern District of Illinois.

(Date) Sep 29, 39.

Cause No. ....

Title of Cause.....

Df. Ex. 1

11/7/39.

Brief Statement of Motion

The Grand Jury return 4 Indictments in open Court.

Added 10/30/39

Name of moving Counsel

Representing

Order discharging Grand Jury of Sept Term 1939.

Name of opposing Counsel (if any)

JHW

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

62 And afterwards, to wit, on the 12th day of October

A. D. 1939, being one of the days of the regular October term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Philip L. Sullivan District Judge appears the following entry, to wit:

**Entered** 63  
Oct. 12,  
1939.

## IN THE DISTRICT COURT OF THE UNITED STATES.

For the Northern District of Illinois,  
Eastern Division.

Thursday, October 12, A. D. 1939.

Present: Honorable Philip L. Sullivan, Judge.

United States of America, <i>vs.</i> Daniel D. Glasser, Norton I. Kret-	}	No. 31825.
ske, Alfred E. Roth, Anthony Horton, Louis Kaplan.		

On motion of defendants' attorneys It Is Ordered that leave be and the same is hereby given the defendants' to file any and all motions within twenty days from this date and it is

Ordered that this cause be and the same is hereby continued for pleas to November 3, A. D. 1939.

**Entered** 64  
Oct. 31,  
1939.

And afterwards, to wit, on the 31st day of October A. D. 1939, being one of the days of the regular October term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Philip L. Sullivan, District Judge appears the following entry, to wit:

## IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

## ORDER.

It appearing to the court that all the defendants in the above entitled cause have this day filed their motion to quash the indictment in the above cause:

It Is Hereby Ordered that the plaintiff herein, United States of America, plead, answer or demur to the said motion to quash the indictment in the above entitled cause within three days.

It Is Hereby Further Ordered that the filing of said motion to quash the indictment in the above entitled cause

be without prejudice to the rights of all the defendants in the above cause to file such further pleadings within such further time as shall be fixed by the court after a disposition of the said motion to quash the indictment.

Enter:

Philip L. Sullivan,

Dated October 31, 1939.

Judge.

86 And on, to wit, the 1st day of November, A. D. 1939, came the defendant by his attorneys and filed in the Clerk's office of said Court a certain APPEARANCE in words and figures following, to wit:

Filed  
Nov. 1,  
1939.

87 DISTRICT COURT OF THE UNITED STATES.

\* \* (Caption—31825) \*

I hereby enter the appearance of Daniel Glasser, defendant, and myself as his attorney in the above-entitled cause.

George F. Callaghan,  
*Defendant's Attorney.*

Endorsed: District Court of the United States.  
\* \* (Caption—31825) \* \* Appearance. Filed Nov-1-1939. Hoyt King, Clerk. George F. Callaghan, Defendant's Attorney.

88 And on, to wit, the 2nd day of November, A. D. 1939, came the defendant by his attorneys and filed in the Clerk's office of said Court a certain APPEARANCE in words and figures following, to wit:

Filed  
Nov. 2,  
1939.

89 DISTRICT COURT OF THE UNITED STATES.

\* \* (Caption—31825) \*

We hereby enter the appearance of Norton I. Kretske, defendant, and ourselves as his attorney in the above-entitled cause.

Harrington & McDonnell,  
*Defendant's Attorney.*

Endorsed: District Court of the United States. \* \* (Caption—31825) \* \* Appearance. Filed Nov-2-1939. Hoyt King, Clerk. Harrington & McDonnell, Defendant's Attorney.

**Entered Nov. 7, 1939.** 90 And afterwards, to wit, on the 7th day of November, A. D. 1939, being one of the days of the regular November term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

91 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

Tuesday, November 7, A. D. 1939.

Present: Honorable Patrick T. Stone, Judge.

This cause coming on to be heard on the defendants' motion to quash the indictment filed herein against them after arguments of counsel and due deliberation by the Court said motion is denied, to which ruling of the Court each defendant by his attorney duly excepts, it is

Ordered that the hearing on all motions and pleas be and the same is set for November 14, A. D. 1939, at 9:00 A. M.

**Filed Nov. 10, 1939.** 92 And on, to wit, the 10th day of November, A. D. 1939, came the defendants by their attorneys and filed in the Clerk's office of said Court certain Demurrs in words and figures following, to wit:

93 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

**DEMURRER AS TO THE DEFENDANT, ALFRED E. ROTH.**

Now comes the defendant, Alfred E. Roth, in his own proper person and, having read and considered the indictment herein, says that said indictment and each and every count thereof, separately and severally, and the matters and things, in substance and in manner and in form, as the same are herein alleged and set forth, are not sufficient in law to require this defendant to plead to said indictment or to answer the same, and that the said indictment is insufficient in law to sustain a judg-

ment against this defendant, for the following reasons, separately and severally considered:

1. The said indictment does not aver, nor does any count thereof, inform this defendant of the nature and cause of his accusation, with the certainty required by law.

2. The said indictment does not, nor does any count thereof, charge or aver the commission of acts by this defendant, constituting any offense against any statute of the United States with the certainty required by law.

3. The said indictment and each count thereof, is vague, indefinite and uncertain and, therefore, insufficient, for that the said indictment, or any count thereof, does not sufficiently aver or charge the elements or the supposed crime or offense therein attempted to be charged and it is impossible for this defendant to prepare a defense thereto.

4. Each count of the indictment charges the giving to and the taking by an officer of the United States, money for the purpose of influencing the official action and conduct of such officer and charges therefore the bribery of public officials and said crime or bribery requires for its commission concert of action by a plurality of agents. A conspiracy to commit said offense will not lie.

5. Each count of the indictment charges that the defendant, Glasser, agreed with himself, received from himself, and gave to himself, money in order to influence himself in his own official actions and the indictment fails therefore to charge an offense for that, the defendant could not join in a conspiracy to offer and give himself a bribe.

6. The indictment and each count thereof and, more particularly, Paragraph 14, which attempts to charge the conspiracy, does not name or designate the officer or officers mentioned therein and as to this essential element the defendants are uninformed.

7. The indictment and each count thereof and, more particularly, Paragraph 14, is vague, indefinite, uncertain and so wanting in particulars and specification as to subject the defendants to surprise, in that:

(a) No officer or officers are named or designated therein.

(b) The use of both the singular and plural interchangeably, to wit: "officer or officers", "persons", "his decision", "his or their official capacity", "his or their

lawful duty", leaves the defendants uninformed and confused as to who are the persons and officers attempted to be described therein and whether it is intended to describe one or several such persons and officers.

95 8. The said indictment is duplicitous in that it attempts to charge more than one conspiracy and in that it attempts to charge numerous substantive offenses.

9. The allegations of the indictment, and of each count thereof are so uncertain and indefinite that they violate the requirements of the Sixth Amendment to the Constitution of the United States of America.

10. Paragraphs 14 of each count, standing alone, and unaided by the allegations of the means to accomplish the conspiracy attempted to be described in said paragraphs do not charge any crime, in that:

(a) The said paragraphs do not allege and inform the defendants what the "questions, matters, causes, and proceedings" were concerning which the defendant conspired to influence the decision and action of the said officers and employees; or what the "certain frauds on the United States" were; nor do the said paragraphs describe the "certain acts" which the said officers and employees were "to do and to omit from doing" in violation of his or their official duty.

(b) The allegations in said paragraphs cannot be aided or amplified by the means alleged to have accomplished the said pretended conspiracy, as set forth in paragraphs 15 to 39, both inclusive, of each count of the indictment.

11. If the said paragraphs 14 of each count intend to charge, or can be interpreted to charge the defendants, Daniel D. Glasser and Norton I. Kretske, with being the officers and employees of the United States, whose judgment, decisions, and action in and on official questions, matters, questions, causes and proceedings were to be corruptly influenced as, and in the manner, described in said paragraphs 14, then and in that event the said paragraphs 14 do not charge a crime, in that the said defendants, Daniel D. Glasser and Norton I. Kretske, are accused of conspiring to promise, offer, cause and procure to be promised and offered to themselves, Daniel D. Glasser, and Norton I. Kretske, money and other things of value, with intent to influence the decision and action, in official matters, of

themselves, the said Daniel D. Glasser and Norton I. Kretske.

12. The allegations of the indictment, and of each count thereof, are repugnant to each other, in that the grand jurors charge that the defendants conspired with each other, "and with other persons to the grand jurors unknown", yet the allegations of paragraph 12 of each count and the averments of certain overt acts described as having been committed in pursuance of the conspiracy indicate that the names of other conspirators were known to the grand jurors at the time they returned the indictment, to wit:

(a) Overt acts numbered 8, 10, 14 and 16 of each count show that Victor Raubunus was a conspirator and as such was known to the grand jurors at the time they returned this indictment.

(b) Overt acts numbered 32, 33, 36 and 41 of each count show that Frank Hodorowicz was a conspirator and as such was known to the grand jurors at the time they returned this indictment.

(c) Overt act numbered 41 of each count show that Mike Hodorowicz and Peter Hodorowicz were conspirators and as such were known to the grand jurors at the time they returned this indictment.

13. The allegations of paragraphs 14 of each count of the indictment and the averments of the means to accomplish the conspiracy, as set forth in paragraphs 15 to 39, both inclusive, of each count, are inconsistent, and repugnant to each other, in that paragraphs 14 charge a conspiracy to violate Section 91, Title 18 of the Criminal Code of the United States, and paragraphs 15 to 39, both inclusive, describe violations of other and different penal sections of the Criminal Code of the United States.

14. Paragraph 37 of each count of the indictment alleges that the persons named in paragraph 12 of each count "did pay money to the defendants", which averment of "defendants" included the defendants, Daniel D. Glasser and Norton I. Kretske, officers and employees of the United States; that said allegations charge the crime of bribery of the said public officials and said crime required its commission by a plurality of persons and can only be charged as a substantive offense committed by the givers and receivers

of the bribe and the said persons or part of them cannot be charged with conspiracy.

15. Paragraphs 15, 16, 17, 18, 19, 20, 21, 22, 28, 29 and 30 of each count contain fatally inconsistent and repugnant allegations in that they charge that the defendants, which include Daniel D. Glasser and Norton I. Kretske, would solicit certain persons for money to pay to said Daniel D. Glasser to influence their official acts; in other words the said Glasser and Kretske are charged in said paragraphs with soliciting money to pay to themselves to corruptly influence and induce themselves to violate their official duties.

16. Paragraphs 23, 24, 25, 26, 27, 31 and 32 of each count contain fatally inconsistent and repugnant allegations in that they charge that the defendants, which include Daniel D. Glasser, would solicit certain persons for money to pay to said Daniel D. Glasser to influence his official acts; in other words the said Glasser is charged in said paragraphs with soliciting money to pay to himself to corruptly influence and induce himself to corruptly influence and induce himself to violate his official duties.

17. Paragraphs 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31, 34 and 35 of each count contain other fatally inconsistent and repugnant allegations in that they charge that the defendants which include Louis

Kaplan, would solicit from or contact "certain persons hereinafter referred to", which includes the said Louis Kaplan by the reference in paragraphs 12 and 36 of each count, for money to be paid to officers of the United States; in other words, the said defendant, Louis Kaplan, is charged with soliciting from himself and contacting himself, for money to be paid to officers of the United States.

18. Paragraphs 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of each count contain remote, vague, indefinite and uncertain allegations in that they charge the defendants with soliciting certain persons for money to be paid or promised to be paid to officers of the United States, Daniel D. Glasser and Norton I. Kretske to influence or induce them or the other defendants, to commit "a certain fraud on the United States," to "collude in a fraud on the United States," "to allow a fraud to be committed on the United States", "to make opportunity for the commission of a fraud on the United

States", "to do certain acts in violation of their legal duty", "• • • collude in a fraud on the United States," "to allow a fraud to be committed on the United States," "to make opportunity for the commission of a fraud on the United States", "to do certain acts in violation of his official duty", "to omit to do a certain act or acts in violation of his lawful duty as an assistant United States attorney"; respectively, that is to say that the phrases, "a certain fraud," "a fraud", "certain acts" do not inform the defendants in any manner whatsoever what the said frauds and acts consisted of; and, furthermore, the context and meaning of said phrases indicate that the said frauds and acts were known, or must have been known to the grand jurors, and should, therefore, have been described in sufficient detail, so as to inform the defendants what the said frauds and acts were and when they were committed or were to be committed.

99. 19. Paragraph 28 of each count is otherwise fatally defective in charging that the defendants would use money solicited to induce the defendants, Daniel D. Glasser and Norton L. Kretske, to unfaithfully discharge their duties, so "that they, the defendants, would be found not guilty and discharged", there is no allegation anywhere in the indictment that "the defendants" were charged with, or were about to be charged with, any crime.

20. Paragraphs 14, 18 and 23 of each count allege an attempt by the defendants to collude in a fraud on the United States. The term collude in its legal and literal sense means to conspire; therefore, under these paragraphs the defendants are charged with the impossible offense of conspiring to conspire.

21. Paragraphs 28, 29, 30 and 32 fail to allege, with sufficient certainty and particularity, the names of the persons who were to be solicited and the names of the said persons are not alleged as unknown to the grand jury and no excuse given for omitting their names and, therefore, these paragraphs are repugnant.

22. Paragraph 38 alleges that the defendant, Norton L. Kretske, maintained a certain office in the City of Chicago where various persons, charged with violation of the alcohol tax laws could go to from time to time and that the defendant, Norton L. Kretske, would accept and take money from these persons for and on behalf

of defendants and would employ the defendant, Alfred E. Roth, to represent these defendants. This paragraph does not allege with sufficient certainty whether the things therein alleged occurred while the defendant, Norton I. Kretske, was an official of the United States. If, it was during the time that he was an officer of the United States, it clearly attempts to charge a violation of Section 207, Title 18, United States Code, dealing with the asking of a bribe by an officer.

100 23. Paragraph 39 fails to allege, with sufficient certainty, what particular court records were destroyed.

24. The overt acts alleged as to the defendant, Alfred E. Roth, are 38, 46, 47 and 50. The entire substance of the acts charges is as consistent with the hypothesis of innocence as with that of guilt and the indictment, therefore, fails to allege an offense.

25. Both counts of the indictment fail to conclude "against the peace and dignity of the United States and contrary to the form of the statute of the same in such case made and provided."

And the defendant says, for each of the reasons, separately and severally considered, and upon all the reasons cumulatively considered, and upon each of said propositions and said indictment is insufficient, uncertain and informal, and in other particulars void and of no lawful effect to confer jurisdiction upon the court to try this defendant;

Wherefore, this defendant prays that this demurrer be sustained to said indictment and to each count thereof, separately and severally, and that the said indictment be quashed and that the said defendant go hence without day.

Alfred E. Roth,  
*One of the Defendants.*

101 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

#### DEMURRER.

Now comes the defendant, Daniel D. Glasser, impleaded, etc., in his own proper person, and by George F. Callaghan, his attorney, and having heard said indict-

ment read, says, as to said indictment and each count thereof, that the matter therein contained, in manner and form as therein set forth, are not sufficient in law and that the defendant is not bound in law to answer the same, and this the defendant is ready to verify.

Wherefore for want of a sufficient indictment in this behalf the defendant prays judgment and that by the Court he may be dismissed and discharged from said premises in said indictment specified.

And for further cause of demurrer to said indictment, this defendant shows to the Court here, the following, towit:

102 First: The said indictment does not, nor does any count thereof, inform this defendant of the nature and cause of his accusation, with the certainty required by law.

Second: The said indictment does not, nor does any count thereof, charge or aver the commission of acts by this defendant, constituting any offense against any statute of the United States with the certainty required by law.

Third: The said indictment and each count thereof, is vague, indefinite and uncertain and, therefore, insufficient, for that the said indictment, or any count thereof, does not sufficiently aver or charge the elements or the supposed crime or offense therein attempted to be charged and it is impossible for this defendant to prepare a defense thereto.

Fourth: Each count of the indictment attempts to charge the giving to and the taking by an officer of the United States, money for the purpose of influencing the official action and conduct of such officer and attempts to charge therefore the bribery of public officials and said crime of bribery requiring for its commission concert of action by a plurality of agents, a conspiracy to commit said offense will not lie.

Fifth: Each count of the indictment attempts to charge that the defendant, Glasser, agreed with himself, received from himself, and gave to himself, money in order to influence himself in his own official actions and the indictment fails therefore to charge an offense for that, the defendant could not join in a conspiracy to offer and give himself a bribe.

103 Sixth: The indictment and each count thereof and, more particularly, Paragraph 14, which attempts to charge the conspiracy, does not name or designate the officer or officers mentioned therein and as to this essential element the defendants are uninformed.

Seventh: The indictment and each count thereof and, more particularly, Paragraph 14, is vague, indefinite, uncertain and so wanting in particulars and specification as to subject the defendants to surprise in that

(a) No officer or officers are named or designated therein.

(b) The use of both the singular and plural interchangeably, to wit: "officer or officers", "person", "his decision", "his or their official capacity", "his or their lawful duty", leaves the defendants uninformed and confused as to who are the persons and officers attempted to be described therein and whether it is intended to describe one or several such persons and officers.

Eighth: The said indictment is duplicitous in that it attempts to charge more than one conspiracy and in that it attempts to charge numerous substantive offenses each of which offenses requires a different kind and character of proof.

Ninth: The allegations of the indictment, and of each count thereof are so uncertain and indefinite that they violate the requirements of the Sixth Amendment to the Constitution of the United States of America.

Tenth: Paragraphs 14 of each count, standing alone, and unaided by the allegations of the means to accomplish the conspiracy attempted to be described in said paragraphs do not charge any crime, in that:

104 (a) The said paragraphs do not allege and inform the defendants what the "questions, matters, causes, and proceedings" were concerning which the defendant conspired to influence the decision and action of the said officers and employees; or what the "certain frauds on the United States" were; nor do the said paragraphs describe the "certain acts" which the said officers and employees were "to do and to omit from doing" in violation of his or their official duty.

(b) The allegations in said paragraphs cannot be aided or amplified by the means alleged to have accomplished the said pretended conspiracy, as set forth in paragraphs 15, to 39, both inclusive, of each count of the indictment.

Eleventh: If the said paragraphs 14 of each count can

be interpreted to charge the defendants Daniel D. Glasser and Norton I. Kretske with being the officers and employees of the United States whose judgment, decisions, and action in and on official questions, matters, questions, causes, and proceedings were to be corruptly influenced as, and in the manner, described in said paragraphs 14, then and in that event the said paragraphs 14 do not charge a crime, in that the said defendants Daniel D. Glasser and Norton I. Kretske are accused of conspiring to promise, offer, cause and procure to be promised and offered to themselves, Daniel D. Glasser and Norton I. Kretske, money and other things of value, with intent to influence the decision and action, in official matters, of themselves, the said Daniel D. Glasser and Norton I. Kretske.

Twelfth: The allegations of the indictment, and of each count thereof, are repugnant to each other, in that the grand jurors charge that the defendants conspired with each other, "and with other persons to the grand jurors unknown", yet the allegations of paragraph 12 of each count and the averments of certain overt acts described as having been committed in pursuance of the conspiracy indicate that the names of other conspirators 105 were known to the grand jurors at the time they returned the indictment, to wit:

(a) Overt acts numbered 8, 10, 14, and 16 of each count show that Victor Raubunas was a conspirator and as such was known to the grand jurors at the time they returned this indictment.

(b) Overt acts numbered 32, 33, 36, and 41 of each count show that Frank Hodorowicz was a conspirator and as such was known to the grand jurors at the time they returned this indictment.

(c) Overt act numbered 41 of each count shows that Mike Hodorowicz and Peter Hodorowicz were conspirators and as such were known to the grand jurors at the time they returned this indictment.

(d) Paragraph 12 of each count shows that a large number, to wit, twenty-three persons were conspirators and were known to the grand jurors at the time they returned this indictment.

Thirteenth: The allegations of paragraphs 14 of each count of the indictment and the averments of the means to accomplish the conspiracy, as set forth in paragraphs 15 to 39, both inclusive, of each count, are inconsistent,

and repugnant to each other, in that paragraphs 14 charge a conspiracy to violate Section 91, Title 18 of the Criminal Code of the United States, and paragraphs 15 to 39, both inclusive, describe violations of other and different penal sections of the Criminal Code of the United States.

Fourteenth: Paragraph 37 of each count of the indictment alleges that the persons named in paragraph 12 of each count "did pay money to the defendants" which averment of "defendants" included the defendants, Daniel D. Glasser and Norton I. Kretske, officers and employees of the United States; that said allegations charge the crime of bribery of the said public officials and said crime required its commission by a plurality of persons and can only be charged as a substantive offense committed by the givers and receivers of the bribe and the said persons or part of them cannot be charged with conspiracy.

106 Fifteenth: Paragraphs 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, and 30 of each count contain fatally inconsistent and repugnant allegations in that they charge that the defendants, which include Daniel D. Glasser and Norton I. Kretske would solicit certain persons for money to pay to said Daniel D. Glasser to influence their official acts; in other words the said Glasser and Kretske are charged in said paragraphs with soliciting money to pay to themselves to corruptly influence and induce themselves to violate their official duties.

Sixteenth: Paragraphs 23, 24, 25, 26, 27, 31, and 32 of each count contain fatally inconsistent and repugnant allegations in that they charge that the defendants, which include Daniel D. Glasser, would solicit certain persons for money to pay to said Daniel D. Glasser to influence his official acts; in other words the said Glasser is charged in said paragraph with soliciting money to pay himself to corruptly influence and induce himself to corruptly influence and himself to violate his official duties.

Seventeenth: Paragraphs 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31, 34, and 35 of each count contain other fatally inconsistent and repugnant allegations in that they charge that the defendants, which include Louis Kaplan, would solicit from or contact "certain persons hereinafter referred to", which includes the said Louis Kaplan by the references in paragraphs 12 and 36 of each count, for money to be paid to officers of the United States in other words, the said defendant, Louis Kaplan, is charged with

soliciting from himself and contacting himself for money to be paid to officers of the United States.

107 Eighteenth: Paragraphs 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 of each count contain remote, vague, indefinite, and uncertain allegations, in that they charge the defendants with soliciting certain persons for money to be paid or promised to be paid to officers of the United States, Daniel D. Glasser and Norton I. Kretske to influence or induce them or the other defendants, to commit "a certain fraud on the United States", "to collude in a fraud on the United States", "to allow a fraud to be committed on the United States", "to make opportunity for the commission of a fraud on the United States", "to do certain acts in violation of their lawful duties as assistant United States attorneys", "to do certain acts, in violation of their legal duty", "to \* \* \* collude in a fraud on the United States", "to allow a fraud to be committed on the United States", "to make opportunity for the commission of a fraud on the United States", "to do certain acts in violation of his official duty", "to omit to do a certain act or acts in violation of his lawful duty as an assistant United States attorney"; respectively, that is to say that the phrases, "a certain fraud", "a fraud", "certain acts" do not inform the defendants in any manner whatsoever what the said frauds and acts consisted of; and, furthermore, the context and meaning of said phrases indicate that the said frauds and acts were known, or must have been known to the grand jurors, and should, therefore, have been described in sufficient detail, so as to inform the defendants what the said frauds and acts were and when they were committed or were to be committed.

Nineteenth: Paragraph 28 of each count is otherwise fatally defective in charging that the defendants would use money solicited to induce the defendants, Daniel D. Glasser and Norton I. Kretske to unfaithfully discharge their duties, so "that they, the defendants, would be found not guilty and discharged", there is no allegation anywhere in the indictment that "the defendants" were charged with, or were about to be charged with, any crime.

108 Twentieth: Paragraphs 14, 18, and 23 of each count allege an attempt by the defendants to "collude" in a fraud on the United States, and the term "collude" in its legal and literal sense meaning "to conspire", under

these paragraphs the defendants are charged with the impossible offense of conspiring to conspire.

Twenty-First: Each count of the indictment fails to conclude that the acts of the defendants were either "contrary to the statute in such case made and provided" or "contrary to the peace and dignity of the United States".

Twenty-Second: The allegations of each count as contained in paragraphs 14 to 39 inclusive are fatally inconsistent and repugnant to the allegation contained in paragraph 10 for that it is alleged in said paragraph 10 that the defendant Kretske ceased to be an officer of the United States on April 15, 1937, a period more than twenty-nine months prior to the return of this indictment.

Twenty-Third: The said indictment and each count thereof and more particularly paragraphs 12 and 13 of each count are vague, indefinite, and uncertain for that the defendants are not advised of the dates and circumstances of the arrest and charge of the persons therein named or as to whether said persons were arrested and charged collectively or separately.

Twenty-Fourth: The said indictment and each count thereof is vague, indefinite and uncertain for that:

(a) The defendants are not advised as to the time, place, and other circumstances of the doing of the acts and the solicitation mentioned in paragraphs 15 to 39 inclusive.

(b) The defendants are not advised as to when the persons are, mentioned in paragraphs 28, 29, and 32.

109 And the defendant says that the said indictment, for the reasons above stated, is insufficient, uncertain, and informal, and, in other particulars, void, and of no lawful effect to confer jurisdiction upon the Court to try this defendant, wherefore he prays judgment of the Court here that said indictment be quashed and that he may leave to depart hence without day.

Daniel D. Glasser,  
*Defendant.*

By George F. Callaghan,  
*His Attorney.*

I, George F. Callaghan, do hereby certify that I am a member of the bar of the District Court of the United States for the Northern District of Illinois, Eastern Division, and that I am attorney for the said defendant above named, and that I have read the indictment against the said defendant; that from such examination I am of the

opinion that the foregoing demurrer is well founded in fact and in law, and I do further certify that said demurrer is not interposed for delay.

George F. Callaghan.

110 IN THE DISTRICT COURT OF THE UNITED STATES  
OF AMERICA.

• • (Caption—31825) • •

DEMURRER OF NORTON I. KRETSKE, ONE OF  
THE DEFENDANTS HEREIN.

Now comes the defendant, Norton I. Kretske, by Harrington & McDonnell, his attorneys, and having read and considered the indictment herein, says that said indictment and the matters therein contained, in substance and in form as the same are therein alleged and set forth, are insufficient in law to require this defendant to plead to said indictment or to answer the same, and that said indictment is insufficient in law to sustain a judgment against this defendant for the following reasons:

Count I.

1. This count fails to charge any crime against the laws of the United States;
2. That this count is based upon the conclusions of the pleader and fails to set forth with reasonable certainty any facts from which these conclusions are drawn;
3. This count is vague, indefinite, uncertain and ambiguous in failing to allege:
  - a) When this defendant entered into the said conspiracy;
  - b) whether this defendant was an Assistant United States District Attorney for the Northern District of Illinois during the time when the persons named in paragraph 12 were arrested by officers of the United States 111 and charged with unlawfully violating certain laws of the United States, and whether this defendant was an Assistant United States District Attorney for the Northern District of Illinois during the times when said persons mentioned were given various hearings, as alleged in paragraph 13;
  - c) In paragraph 14, what officer of the United States

and what person acting for and on behalf of the United States in an official function it is contended the defendants, Daniel D. Glasser and Norton I. Kretske, intended to influence in the matter of certain acts and things which were by law brought before such officer or officers in his or their official capacity; and what officer or officers the defendants, Daniel D. Glasser and Norton I. Kretske, induced to do and omit from doing certain acts in violation of his or their lawful duty;

d) In paragraphs 14 to 16 inclusive, what certain questions, matters, causes and proceedings were pending, the description of said questions, matters, causes and proceedings, and the dates when they were pending;

e) In paragraphs 17 to 20 inclusive, what fraud on the United States it is contended the defendants intended to commit;

f) In paragraph 38, the date and time when defendant, Norton I. Kretske, was to maintain an office in the City of Chicago;

g) In paragraph 39, whether the records, papers, documents, etc. alleged to have been destroyed were official records and therefore a violation of Sections 234 and 235 of Title 18 of the Code of Laws of the United States, or were the personal records of the defendant;

4. This count is repugnant and inconsistent:

a) In alleging in paragraph 14 that the defendants, Daniel D. Glasser, Norton I. Kretske, Anthony Horton, Louis Kaplan and Alfred E. Roth, conspired with each other "and with divers other persons to the Grand Jurors unknown," whereas paragraphs 12 and 13 set forth the names of the other conspirators known to the Grand Jury, and also the Grand Jurors set forth various overt acts committed by some of the conspirators mentioned in paragraphs 12 and 13;

b) In alleging in paragraph 14 that this defendant promised and offered money and other things of value to an officer of the United States and to persons acting for and on behalf of the United States in an official function, with intent to influence his decision and action on certain questions which were by law brought before such officer or officers in his or their official capacity, for the reason that it attempts to charge this defendant with being a participant in a conspiracy to influence his own official action;

112 In alleging in paragraphs 15 to 22 inclusive, that the said defendants would solicit certain persons to

promise, offer to promise, cause to be promised, or procure to be promised, or that were to be promised to be paid, certain sums of money to be paid to the defendants, Daniel D. Glasser and Norton I. Kretske, for the reason that paragraph 14 of this count names the said Daniel D. Glasser and Norton I. Kretske, as two of the said defendants;

d) In alleging in paragraphs 28 to 30 inclusive, that the said defendants would corruptly induce and persuade themselves, defendants Daniel D. Glasser and Norton I. Kretske, to unfaithfully discharge their duties and commit a fraud on the United States for the reason that paragraph 14 of this count names Daniel D. Glasser and Norton I. Kretske as two of the said defendants;

e) In that said count in paragraph 14 attempts to charge a conspiracy to commit an offense against the United States mentioned in Section 91 of Title 18, Code of Laws of the United States, and in paragraph 37 and 38 alleges matters which would be a violation of Section 207, Title 18 of the Code of Laws of the United States;

## Count II.

1. This count fails to charge any crime against the laws of the United States;

2. That this count is based upon the conclusions of the pleader and fails to set forth with reasonable certainty any facts from which these conclusions are drawn;

3. This count is vague, indefinite, uncertain and ambiguous in failing to allege:

a) when this defendant entered into the said conspiracy;

b) whether this defendant was an Assistant United States District Attorney for the Northern District of Illinois during the time when the persons named in paragraph 12 were arrested by officers of the United States and charged with unlawfully violating certain laws of the United States, and whether this defendant was an Assistant United States District Attorney for the Northern District of Illinois during the times when said persons mentioned were given various hearings, as alleged in paragraph 13;

c) In paragraph 14, what officer of the United States and what person acting for and on behalf of the United States in an official function it is contended the defendants, Daniel D. Glasser and Norton I. Kretske, intended to influ-

ence in the matter of certain acts and things which were by law brought before such officer or officers in his or 113 their official capacity; and what officer or officers the defendants, Daniel D. Glasser and Norton I. Kretske, induced to do and omit from doing certain acts in violation of his or their lawful duty;

d) In paragraphs 14 to 16, inclusive, what certain questions, matters, causes and proceedings were pending, the description of said questions, matters, causes and proceedings, and the dates when they were pending;

e) In paragraphs 17 to 20 inclusive, what fraud on the United States it is contended the defendants intended to commit;

f) In paragraph 38, the date and time when defendant, Norton I. Kretske, was to maintain an office in the City of Chicago;

g) In paragraph 39, whether the records, papers, documents, etc. alleged to have been destroyed were official records and therefore a violation of Sections 234 and 235 of Title 18 of the Code of Laws of the United States, or were the personal records of the defendants;

4. This count is repugnant and inconsistent:

a) In alleging in paragraph 14 that the defendants, Daniel D. Glasser, Norton I. Kretske, Anthony Horton, Louis Kaplan and Alfred E. Roth, conspired with each other "and with divers other persons to The Grand Jurors unknown," whereas paragraphs 12 and 13 set forth the names of the other conspirators known to the Grand Jury, and also the Grand Jurors set forth various overt acts committed by some of the conspirators mentioned in paragraphs 12 and 13:

b) In alleging in paragraph 14 that this defendant promised and offered money and other things of value to an officer of the United States and to persons acting for and on behalf of the United States in an official function, with intent to influence his decision and action on certain questions which were by law brought before such officer or officers in his or their official capacity, for the reason that it attempts to charge this defendant with being a participant in a conspiracy to influence his own official action;

c) In alleging in paragraphs 15 to 22 inclusive, that the said defendants would solicit certain persons to promise, offer to promise, cause to be promised, or procure to be promised, or that were to be promised to be paid, cer-

tain sums of money to be paid to the defendants, Daniel D. Glasser and Norton I. Kretske, for the reason that paragraph 14 of this count names the said Daniel D. Glasser and Norton I. Kretske as two of the said defendants:

114 d) In alleging in paragraphs 28 to 30 inclusive, that the said defendants would corruptly induce and persuade themselves, defendants Daniel D. Glasser and Norton I. Kretske, to unfaithfully discharge their duties and commit a fraud on the United States for the reason that paragraph 14 of this count names Daniel D. Glasser and Norton I. Kretske as two of the said defendants;

e) In that said count in paragraph 14 attempts to charge a conspiracy to commit an offense against the United States mentioned in Section 88 of Title 18, Code of Laws of the United States, and in paragraphs 37 and 38 alleges matters which would be a violation of Sections 91 and 207, Title 18 of the Code of Laws of the United States;

5. The indictment, in each count, in paragraphs 28, 29 and 32, allege the defendants would contact and solicit certain persons without naming the certain persons and without alleging that the said certain persons were unknown to the Grand Jury.

For all of which causes of demurrer existing, this defendant, Norton I. Kretske, says that said alleged indictment is demurrable and is not sufficient in law for him to make plea unto.

Wherefore, this defendant prays that this demurrer be sustained and that said indictment be quashed, and that he go hence without day.

Norton I. Kretske,  
*One of the Defendants.*  
By Harrington & McDonnell,  
*His Attorneys.*

115 And afterwards, to wit, on the 16th day of November, A. D. 1939, being one of the days of the regular November term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

Entered  
Nov. 16,  
1939.

116 IN THE DISTRICT COURT OF THE UNITED STATES.  
• • (Caption—31825) • •

Thursday, November 16, A. D. 1939.

Present: Honorable Patrick T. Stone, Judge.

This cause coming on to be heard on the defendants' demurrer to the indictment filed herein against them after arguments of counsel and due deliberation by the Court said demurrers are overruled to which ruling of the Court the defendants' by their attorneys duly except and leave be and the same is hereby given defendants to demand a bill of particulars within 10 days from this date.

Entered  
Nov. 22,  
1939.

117 And afterwards, to wit, on the 22nd day of November, A. D. 1939, being one of the days of the regular November term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable James H. Wilkerson, District Judge, appears the following entry, to wit:

118 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

Wednesday, November 22, A. D. 1939.

Present: Honorable James H. Wilkerson, Judge.

On motion of defendants' attorneys It Is Ordered that the time within which the defendants are to file their motions for a bill of particulars be and the same is hereby extended to November 29, A. D. 1939.

119 And on, to wit, the 29th day of November A. D. 1939 came the defendants by their attorneys and filed in the Clerk's office of said Court certain Petitions for Bill of Particulars in words and figures following, to wit:

120 IN THE DISTRICT COURT OF THE UNITED STATES.  
• • (Caption—31825) • •

Filed  
Nov. 29,  
1939.

PETITION OF DANIEL D. GLASSER, A CERTAIN DEFENDANT FOR BILL OF PARTICULARS.

To the Honorable Patrick Stone, Judge of said Court:

Now comes the defendant, Daniel D. Glasser by George F. Callaghan, his attorney, and, without waiving any of his rights to the exceptions taken to the legal sufficiency and the form of the indictment and expressly saving and reserving unto himself all said rights and pursuant to the order of court entered on November 16, 1939, files this petition for a bill of particulars as to the following matters alleged in the indictment.

Count I.

1. State the names of "the persons" alleged in paragraph 14 to be "acting for and on behalf of the United States."

2. Who are the "officers" mentioned in paragraph 14 whom the defendant Glasser and the other defendants conspired to promise, offer, cause and procure to be promised and offered money and other things of value?

3. When and where was the conspiracy charged in Count 1 entered into by the defendant Glasser and who were the members of the conspiracy?

4. State the nature, time, place, and amount of each promise and offer made to an officer of the United States and by whom and to whom each such promise and offer was made.

5. State the time, place, amount, and circumstances of each payment of money to the defendant Glasser by the persons named in paragraph 12 of the indictment 121 whom it is alleged in paragraph 37 "did pay money to the defendants."

6. State the names of the persons referred to in paragraphs 28, 29, and 32 as "certain persons," "persons," and "said persons."

7. What is the fraud the officer or officers of the United States and persons acting for and on behalf of the United States in an official function under and by authority of a

department and office of the Government of the United States was to commit and aid in committing and collude in committing?

8. What were the acts the officer or officers or persons acting for and on behalf of the United States in an official function in and by authority of a Department of the United States were to do and omit from doing, in violation of his or their lawful duties?

9. State the particulars of the arrest and subsequent proceedings against each of the persons named in paragraph 12 of the indictment giving the dates, titles, cause numbers, and disposition of each such arrest and proceeding.

10. What sum or sums of money or other things of value was it conspired and agreed to promise, offer, cause or procure to be promised and offered to the officers and persons mentioned in paragraph 14?

11. Did the defendant Glasser solicit "certain sums of money" or any promise or offer of "certain sums of money"? If the answer is in the affirmative, please state when, where and from whom.

12. When, where, and by whom was any "certain sum of money" promised to be paid or offered to the defendant Glasser?

13. In what causes, matters, and proceedings,

a. is it claimed the defendant Glasser made decisions so that certain persons would not be charged with a violation of the laws of the United States?

122 b. were persons found not guilty and discharged because of any unfaithful performance of duty by the defendant Glasser?

c. did the defendant commit a fraud on the United States by making legal motions to dismiss charges against certain persons?

d. was information withheld from the Grand Jury?

e. did the defendant Glasser give confidential information to the defendants?

f. did the defendant Glasser unduly delay and prolong the proceedings?

14. What records, files, books, papers, documents, court records, cards, and indexes were destroyed?

15. Is the Louis Kaplan named in paragraph 12 the same Louis Kaplar named as a defendant in this indictment?

Count II.

1. State the names of "the persons" alleged in paragraph 14 to be "acting for and on behalf of the United States."

2. Who are the "officers" mentioned in paragraph 14 whom the defendant Glasser and the other defendants conspired to promise, offer, cause and procure to be promised and offered money and other things of value?

3. When and where was the conspiracy charged in Count 2 entered into by the defendant Glasser and who were the then members of the conspiracy?

4. State the nature, time, place, and amount of each promise and offer made to an officer of the United States and by whom and to whom each such promise and offer was made.

123 5. State the time, place, amount, and circumstances of each payment of money to the defendant Glasser by the persons named in paragraph 12 of the indictment whom it is alleged in paragraph 37 "did pay money to the defendants."

6. State the names of the persons referred to in paragraphs 28, 29, and 32 as "certain persons," "persons," and "said persons."

7. What is the fraud the officer or officers of the United States and persons acting for and on behalf of the United States in an official function under and by authority of a department and office of the Government of the United States was to commit and aid in committing and collude in committing?

8. What were the acts the officer or officers or persons acting for and on behalf of the United States in an official function in and by authority of a Department of the United States were to do and omit from doing, in violation of his or their lawful duties?

9. State the particulars of the arrest and subsequent proceedings against each of the persons named in paragraph 12 of the indictment giving the dates, titles, cause numbers, and disposition of each such arrest and proceeding.

10. What sum or sums of money or other things of value was it conspired and agreed to promise, offer, cause or procure to be promised and offered to the officers and persons mentioned in paragraph 14?

11. Did the defendant Glasser solicit "certain sums of

money" or any promise or offer of "certain sums of money"? If the answer is in the affirmative, please state when, where and from whom.

12. When, where, and by whom was any "certain sum of money" promised to be paid or offered to the defendant Glasser?

124    13. In what causes, matters, and proceedings,

a. is it claimed the defendant Glasser made decisions so that certain persons would not be charged with a violation of the laws of the United States?

b. were persons found not guilty and discharged because of any unfaithful performance of duty by the defendant Glasser?

c. did the defendant commit a fraud on the United States by making legal motions to dismiss charges against certain persons?

d. was information withheld from the Grand Jury?

e. did the defendant Glasser give confidential information to the defendants?

f. did the defendant Glasser unduly delay and prolong the proceedings?

14. What records, files, books, papers, documents, court records, cards, and indexes were destroyed?

15. Is the Louis Kaplan named in paragraph 12 the same Louis Kaplan named as a defendant in this indictment?

Your petitioner further represents unto your Honor that he cannot receive a fair and impartial trial and afford himself a fair opportunity to prepare and submit defenses to each and all of the charges brought against him unless he is furnished with the information requested in this petition and which is not alleged in the indictment.

Your petitioner has no means of obtaining such information or any of such information requested in this petition and which the allegations in said indictment do not furnish,

except through and by means of a bill of particulars.

125    That unless the prosecution is directed to furnish the particulars specified in this petition there will be no means available now or hereafter to identify the alleged conspiracy charged in said indictment and each amount thereof and for want of such means said indictment furnishes no protection to your petitioner against other and further indictments for the same alleged offenses, nor in any verdict entered upon said indictment be pleaded in bar of further prosecutions for the same alleged offenses.

Wherefore, your petitioner prays that an order be entered upon the United States Attorney to furnish your petitioner, within a reasonable time to be fixed by the court, with a bill of particulars of all and every of the accusations charged in said indictment and more specifically of all and every of the matters and things specified and requested in this petition or for such relief as to the Court shall seem meet and just.

Daniel D. Glasser,

*Defendant.*

George F. Callaghan,

*Attorney for Defendant.*

126 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

PETITION OF ALFRED E. ROTH, A CERTAIN DEFENDANT, FOR BILL OF PARTICULARS.

To the Honorable Patrick Stone, Judge of Said Court:

Now comes your petitioner, Alfred E. Roth, one of the defendants in the above entitled cause and, without waiving any of his rights to the exceptions taken to the legal sufficiency and the form of the indictment and expressly saving and reserving unto himself all said rights and, pursuant to the order of Court entered on November 16, 1939, files this petition for a bill of particulars.

Count I.

1. When is it contended this defendant entered into the alleged conspiracy and who were the then members of the conspiracy;

2. What officer or officers of the United States or the persons acting for and on behalf of the United States in an official function under and by authority of a department and office of the Government of the United States did the defendants conspire to promise, offer, cause and procure to be promised and offered money and other things of value with intent to influence their decisions and actions on certain questions, matters, causes and proceedings which were at times pending and which were by law brought before such officer or officers;

2. Where was the conspired promise, offer, causing 127 and procuring to be promised and offered to be made;

4. When was the conspired promise, offer, causing and procuring to be promised and offered to be made;

5. If a person other than the defendants was to promise, offer, cause and procure to be promised and offered, state the name of the person and when and where the person was to promise, offer, cause and procure to be promised and offered and to whom;

6. What sum or sums of money or other things of value was conspired to be promised, offered, caused or procured to be promised or offered;

7. What are the titles, cause numbers, dates and character of the certain questions, matters, causes and proceedings which were at times pending and which were by law brought before such officer or officers and persons acting for and on behalf of the United States in an official function under and by authority of a department and office of the Government of the United States, when and where were they instituted, in what court and during what period of time were they pending;

8. What is the fraud the officer or officers of the United States and persons acting for and on behalf of the United States in an official function under and by authority of a department and office of the Government of the United States was to commit and aid in committing and collude in committing and the acts the officer or officers or persons acting for and on behalf of the United States in an official function in and by authority of a Department of the United States were to do and omit from doing, in violation of his or their lawful duties;

9. What are the names of the particular persons solicited for sums of money for the particular purposes, as alleged in paragraph 15 to 27, inclusive, and when and where, and in what matters, causes and proceedings, giving the title, cause number and description.

128 10. What are the names of the persons solicited for sums of money for the particular purposes, as alleged in paragraph 28, and when and where and the title and cause number of the complaints pending before the particular United States Commissioner and the nature of the unfaithful duties to be discharged;

11. What are the names of the persons solicited for

sums of money for the particular purposes, as alleged in paragraph 29, and when and where;

12. What are the names of the particular persons solicited for sums of money for the particular purposes, alleged in paragraph 30, and when and where and the title and cause number pending before the particular United States Commissioner:

13. What are the names of the particular persons solicited for sums of money for the particular purposes alleged in paragraph 31, and when and where; and the particular persons held to the particular district court by the particular commissioner to await the action of the particular grand jury.

14. What are the names of the persons solicited for sums of money, as alleged in paragraph 32, and when and where and the nature of the corrupt judgment or decision to be rendered;

15. What are the names of the particular persons contacted, as alleged in paragraph 33 and when and where, and the particular title, cause number and court where the proceedings were pending and the names of the witnesses that were to become discouraged and disheartened and cease to have interest in said proceedings;

16. What are the names of the particular persons contacted, as alleged in paragraph 34, and when and where and the names of the persons who were charged and the names of the persons who were about to be charged with violations of the law and when and where, and the names of the persons who believed they were about to be charged with a violation of the law and when and where;

17. What are the names of the particular persons solicited for sums of money, as alleged in paragraph 35, and when and where and the acts that were to be done by Daniel D. Glasser in violation of his lawful duties;

18. What are the names of the particular persons that were to answer certain indictments and the motion or motions agreed upon between Daniel D. Glasser and Alfred E. Roth, to be made before various district judges, naming the district judges and the particular title and cause number, as alleged in paragraph 37, and the matters about which Alfred E. Roth was to inform Norton I. Kretske in which matters Daniel D. Glasser was representing the United States, as alleged in paragraph 37, and the matters

which Daniel D. Glasser advised Anthony Horton of concerning the activities of the investigators of the Alcohol Tax Unit, as alleged in paragraph 37, and the matters that Daniel D. Glasser was to advise Anthony Horton of regarding certain persons about to be arrested by the agents of the Alcohol Tax Unit, as alleged in paragraph 37;

19. What are the names of the persons that were engaged in violating the alcohol tax laws that were to be complained against and that were complained against or indicted by the United States that Norton I. Kretske was to employ Alfred A. Roth as their lawyer, as alleged in paragraph 38;

20. What are the particular records, files, books, papers, documents, office records, cards and indexes that were destroyed;

#### Count II.

1. When is it contended this defendant entered into the alleged conspiracy and who were the then members of the conspiracy;

2. What officer or officers of the United States or the persons acting for and on behalf of the United States in an official function under and by authority of a department and office of the Government of the United

130 States did the defendants conspire to promise, offer, cause and procure to be promised and offered money and other things of value with intent to influence their decisions and actions on certain questions, matters, causes and proceedings which were at times pending and which were by law brought before such officer or officers;

3. Where was the conspired promise, offer, causing and procuring to be promised and offered to be made;

4. When was the conspired promise, offer, causing and procuring to be promised and offered to be made;

5. If a person other than the defendants was to promise, offer, cause and procure to be promised and offered, state the name of the person and when and where the person was to promise, offer, cause and procure to be promised and offered and to whom;

6. What sum or sums of money or other things of value was conspired to be promised, offered, caused or procured to be promised or offered;

7. What are the titles, cause numbers, dates and character of the certain questions, matters, causes and pro-

ceedings which were at times pending and which were by law brought before such officer and officers and persons acting for and on behalf of the United States in an official function under and by authority of a department and office of the Government of the United States; when and where were they instituted, in what court and during what period of time were they pending;

8. What is the fraud the officer or officers of the United States and persons acting for and on behalf of the United States in an official function under and by authority of a department and office of the Government of the United States was to commit and aid in committing and collude in committing and the acts the officer or officers or persons acting for and on behalf of the United States in an official function in and by authority of a department of the United

States were to do and omit from doing, in violation 131 of his or their lawful duties;

9. What are the names of the particular persons solicited for sums of money for the particular purposes, as alleged in paragraph 15 to 27, inclusive, and when and where, and in what matters, causes and proceedings, giving the title, cause number and description;

10. What are the names of the persons solicited for sums of money for the particular purposes, as alleged in paragraph 28, and when and where and the title and cause number of the complaints pending before the particular United States Commissioner and the nature of the unfaithful duties to be discharged;

11. What are the names of the persons solicited for sums of money for the particular purposes, as alleged in paragraph 29, and when and where;

12. What are the names of the particular persons solicited for sums of money for the particular purposes, alleged in paragraph 30, and when and where and the title and cause number pending before the particular United States Commissioner;

13. What are the names of the particular persons solicited for sums of money for the particular purposes alleged in paragraph 31, and when and where, and the particular persons held to the particular district court by the particular commissioner to await the action of the particular grand jury;

14. What are the names of the persons solicited for sums of money, as alleged in paragraph 32, and when and

where and the nature of the corrupt judgment or decision to be rendered;

15. What are the names of the particular persons contacted, as alleged in paragraph 33 and when and where, and the particular title, cause number and court where the proceedings were pending and the names of the witnesses that were to become discouraged and disheartened and cease to have interest in said proceedings;

132 16. What are the names of the particular persons contacted, as alleged in paragraph 34, and when and where and the names of the persons who were charged and the names of the persons who were about to be charged with violations of the law and when and where, and the names of the persons who believed they were about to be charged with a violation of the law and when and where;

17. What are the names of the particular persons solicited for sums of money, as alleged in paragraph 35, and when and where and the acts that were to be done by Daniel D. Glasser in violation of his lawful duties;

18. What are the names of the particular persons that were to answer certain indictments and the motion or motions agreed upon between Daniel D. Glasser and Alfred E. Roth, to be made before various district judges, naming the district judges and the particular title and cause number, as alleged in paragraph 37, and the matters about which Alfred E. Roth was to inform Norton I. Kretske in which matters Daniel D. Glasser was representing the United States, as alleged in paragraph 37, and the matters which Daniel D. Glasser advised Anthony Horton of concerning the activities of the investigators of the Alcohol Tax Unit, as alleged in paragraph 37, and the matters that Daniel D. Glasser was to advise Anthony Horton of regarding certain persons about to be arrested by the agents of the Alcohol Tax Unit, as alleged in paragraph 37;

19. What are the names of the persons that were engaged in violating the alcohol tax laws that were to be complained against and that were complained against or indicted by the United States that Norton I. Kretske was to employ Alfred E. Roth as their lawyer, as alleged in paragraph 38.

20. What are the particular records, files, books, papers, documents, office records, cards and indexes that were destroyed;

Your petitioner further respectfully represents unto your

Honor that he can not receive a fair and impartial trial 133 and affords himself a fair opportunity to prepare and submit defences to each and all of the charges brought against him unless he is furnished with the information requested in this petition and which is not alleged in the indictment;

Your petitioner has no means of obtaining such information or any such information requested in this petition and which the allegations in said indictment do not furnish, except through and by means of a bill of particulars;

That unless the prosecution is directed to furnish the particulars specified in this petition there will be no means available now or hereafter to identify the alleged conspiracy charged in said indictment and each count thereof and for want of such means said indictment furnishes no protection to your petitioner against other and further indictments for the same alleged offenses, nor in any verdict entered upon said indictment be pleaded in bar of further prosecutions for the same alleged offenses;

Wherefore, your petitioner respectfully requests your Honor for an order upon the United States Attorney to furnish your petitioner, within a reasonable time, to be fixed by the court, with a bill of particulars of all and every of the accusations charged in said indictment and more specifically of all and every of the matters and things specified and requested in this petition, or for such relief as to the Court shall seem meet and just.

Alfred E. Roth,  
*Petitioner.*

State of Illinois, } ss:  
County of Cook. }

Alfred E. Roth being first duly sworn upon oath deposes and says that he has read the above and foregoing petition by him subscribed and that the same is true in substance and in fact.

Alfred E. Roth.

Subscribed and sworn to before me this 29th day of November, A. D. 1939.

(Seal)

Betty Ford,  
*Notary Public.*

134 IN THE DISTRICT COURT OF THE UNITED STATES.  
• • (Caption—31825) • •

## PETITION FOR BILL OF PARTICULARS.

To the Honorable Patrick Stone, Judge of Said Court:

Now comes your petitioner, Norton I. Kretske, one of the defendants in the above entitled cause, and leave of court having first been obtained by order entered herein on the 16th day of November, 1939, at which time the Court overruled the demurrer interposed to the indictment, but stated:

"The Court: In the matter of the United States of America *vs.* Daniel D. Glasser, et al., the Court is of the opinion that while the indictment is somewhat vague and indefinite, nevertheless it does charge the defendants with conspiracy to defraud the United States.

"However, I am of the opinion now that the defendants are entitled to a bill of particulars setting forth exactly what is charged and the times, places and persons involved.

"I would suggest that counsel for the defendants—that it is only right and proper, to lessen their burden of defense and so they may properly prepare, that they know definitely and in particular just exactly what they are charged with. This is not set out as definitely as it ought to be.",

and files this his petition for a bill of particulars of the following matters, things and happenings in said indictment contained, in the following respects:

## First Count.

Paragraphs 14 to 16 inclusive:

a) When is it contended this defendant entered into the alleged conspiracy;

b) What officer of the United States, or person acting for and on behalf of the United States, was to be promised, offered, caused and procured to be promised and offered, money and other things of value for the purpose of influencing his or their decision and action;

135 c) What are the titles, cause numbers and dates of the certain questions, matters, causes and proceedings

alleged to have been pending; when and where were they instituted; in what court and during what period of time were they pending and what was the disposition of these certain questions, matters, causes and proceedings;

d) What are the dates, entitlements, and the kind and character of the certain questions, matters, causes and proceedings which were brought before such officer or officers in their official capacity and in which it was intended the decision and action of said officer or officers was to be influenced;

e) What acts were said officer or officers induced to do and what acts were they induced to omit to do in violation of his or their lawful duty;

Paragraphs 15 to 32 inclusive:

a) In what matters, causes and proceedings as to titles, cause numbers and descriptions did the defendants solicit persons to pay money;

b) What defendants made the solicitations, and what persons were solicited, and on what dates, at what places, and in what amounts were these persons solicited;

Paragraphs 17 to 20 inclusive:

What is the character of the alleged fraud which it is contended the defendant, Norton I. Kretske, was to commit;

Paragraph 39:

What records, files, books, papers, documents, court records, office records, cards and indexes were destroyed, and by whom and at what times and places.

### Second Count.

Paragraphs 14 to 16 inclusive:

a) When is it contended this defendant entered into the alleged conspiracy;

b) What officer of the United States, or person acting for and on behalf of the United States, was to be promised, offered, caused and procured to be promised and offered, money and other things of value for the purpose of influencing his or their decision and action;

136 c) What are the titles, cause numbers and dates of the certain questions, matters, causes and proceed-

ings alleged to have been pending; when and where were they instituted; in what court and during what period of time were they pending and what was the disposition of these certain questions, matters, causes and proceedings;

d) What are the dates, entitlements, and the kind and character of the certain questions, matters, causes and proceedings which were brought before such officer or officers in their official capacity and in which it was intended the decision and action of said officer or officers was to be influenced;

e) What acts were said officer or officers induced to do and what acts were they induced to omit to do in violation of his or their lawful duty;

Paragraphs 15 to 32 inclusive:

a) In what matters, causes and proceedings as to titles, cause numbers and descriptions did the defendants solicit persons to pay money;

b) What defendants made the solicitations, and what persons were solicited, and on what dates, at what places, and in what amounts were these persons solicited;

Paragraphs 17 to 20 inclusive:

What is the character of the alleged fraud which it is contended the defendant, Norton I. Kretske, was to commit;

Paragraph 39:

What records, files, books, papers, documents, court records, office records, cards and indexes were destroyed, and by whom and at what times and places.

Your petitioner further represents unto your Honor that he has been advised by his counsel that they cannot properly represent your petitioner, nor can your petitioner receive a fair and impartial trial, nor is it safe for him to go

to trial upon any one or more of the accusations made 137 against him in said indictment until they have made adequate preparation to meet the evidence which will, or may be offered against him upon the trial of said cause in support of all and each of said accusations, and that they cannot possibly make any preparation whatever to meet such evidence that will or may be offered against him on the trial of said cause in support of any of said accusations, unless and until your petitioner obtains such infor-

mation requested in this petition, and which the allegations in said indictment do not furnish;

That your petitioner has no means of obtaining such information, or any of such information, requested in this petition, and which the allegations in said indictment do not furnish, except through and by means of a bill of particulars of all and each of said accusations;

That unless the prosecution is directed to furnish the particulars specified in this petition, there will be no means available now or hereafter to identify the alleged conspiracy charged in said indictment and each count thereof, and for want of such means said indictment furnishes no protection to your petitioner against other and further indictments for the same alleged offenses, nor could any verdict entered upon said indictment be pleaded in bar of further prosecutions for the same alleged offenses.

Wherefore, your petitioner respectfully requests your Honor for an order upon the prosecution to furnish your petitioner, within a reasonable time to be fixed by the Court, with a bill of particulars of all and every of the accusations charged in said indictment, and more specifically of all and every of the matters and things specified and requested in this petition.

138 State of Illinois {  
County of Cook } ss.

Norton I. Kretske, being first duly sworn, upon oath deposes and says that he is one of the defendants in the above entitled cause; that he has read the above and foregoing petition subscribed by him; that he knows the contents thereof and that the allegations therein contained are true.

Norton I. Kretske.

Subscribed and sworn to before me this 22nd day of November, A. D. 1939.

(Seal)

Rose E. Lee,  
*Notary Public.*

**Entered Dec. 20, 1939.** 139 And afterwards, to wit, on the 20th day of December, A. D. 1939, being one of the days of the regular December term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge appears the following entry, to wit:

140 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

ORDER.

This cause coming on to be heard on the petitions of the defendant for an order upon the United States Attorney to furnish said defendants with bills of particulars, and the court having considered said petitions and the various questions set forth therein, and having heard the arguments of counsel thereon,

It Is Therefore Ordered that William J. Campbell, United States Attorney, be and he is hereby directed to file answers to the following questions set forth in the petition of Norton I. Kretske, within five days from date hereon;

First Count.

Paragraphs 14 to 16, inclusive questions (a), (b), (c), (d) and (e) appearing on pages 1 and 2.

Paragraphs 15 to 32, inclusive, questions (a) and (b) appearing on page 2.

Paragraphs 17 to 20, Question appearing on page 2 under this subdivision but not numbered.

Second Count.

Paragraphs 14 to 16 inclusive. Questions (a), (b), (c), (d), and (e) appearing on pages 2 and 3.

Paragraphs 15 to 32 inclusive Questions (a) and (b) appearing on page 3.

Paragraphs 17 to 20. Question appearing on page 3 under this subdivision but not numbered.

141 It Is Further Ordered that William J. Campbell, United States Attorney, be and he is hereby directed to file answers to the following questions appearing in the petition of Daniel D. Glasser:

**Count One.**

Paragraphs 1 to 9, inclusive, on pages 1 and 2.  
Paragraphs 11, 12, 13, and 15 on pages 2 and 3.

**Count Two.**

Paragraphs 1 to 9, inclusive, on pages 3 and 4.  
Paragraphs 11, 12, 13 and 15 on pages 4 and 5.

It Is Further Ordered that the Government's proof will not be limited to the answers by it to the said demands for particulars if during the trial of this cause, it appears to the satisfaction of the Court that in the interest of justice the said proof should not be so limited.

Enter:

Patrick T. Stone,  
*Judge.*

Dated at Chicago, Illinois this 20th day of December,  
A. D. 1939.

142 And on, to wit, the 28th day of December, A. D. 1939  
came the United States by its attorney and filed in the  
Clerk's office of said Court certain Bill of Particulars in  
words and figures following, to wit:

Filed  
Dec. 28,  
1939.

143 IN THE DISTRICT COURT OF THE UNITED STATES OF  
AMERICA.

\* \* (Caption—31825) \*

**BILL OF PARTICULARS.**

Now comes the United States by William J. Campbell,  
United States Attorney for the Northern District of Illinois,  
and in compliance with the Order of this Court, entered  
on December 20, A. D. 1939, does furnish to the defendants  
the following information. To the defendant,  
Norton I. Kretzke, the following answers to the following  
questions:

Question (a) When is it contended this defendant entered  
into the alleged conspiracy?

Answer: The defendant, Norton I. Kretske, it is con-  
tended, entered into the conspiracy on, to wit, April 1, 1935.

Question (b) What officer of the United States or persons acting for or on behalf of the United States was to be promised, offered, caused and procured to be promised and offered, money and other things of value for the purpose of influencing his or their decision and action?

Answer: Daniel D. Glasser and Norton I. Kretske.  
**144** (Note: Whenever it shall hereinafter appear that

the word "Commissioner" is used, it will be understood that we are speaking of United States Commissioner Edwin K. Walker; that whenever the words "District Judges" are used, it will be understood that we are speaking of United States District Judges holding court in the United States Court House at Chicago, Illinois; whenever the word "motion" is used, it will be understood that we are speaking of either a written or an oral motion made in open court or filed with the Clerk of the District Court of the United States; whenever the word "arraigned" is used, it will be understood to mean that the defendants were called in open court to answer to an indictment, or before the Commissioner to a sworn complaint charging them with the commission of a crime, at which time they were requested to plead to said complaint or indictment; whenever the word "complaint" is used, it shall be understood to mean a sworn complaint filed before United States Commissioner Walker; whenever the word "cause" is used, it will be understood to mean either a proceeding wherein a formal complaint was filed before the United States Commissioner, or an indictment returned by the Grand Jury, which indictment has been returned in open court.)

Question (c) What are the titles, case numbers, and dates of the certain questions, matters, causes, and proceedings alleged to have been pending; when and where were they instituted; in what court and during what period of time were they pending, and what was the disposition of these certain questions, matters, causes, and proceedings?

Answer: (1) United States vs. Peter Hodorowicz. Before the Commissioner. Commissioner's Number 19076. On January 25, 1937, a complaint was filed against the above defendant, charging a violation of Section 1181 of Title 26 of the United States Code, and Section 201 of LTA 1934. The defendant was arraigned on January 26, 1937, a hearing was held on February 1, 1937, at which time he was bound over to the Grand Jury. On the same date, bond was

furnished in the amount of \$1500. This case was never presented to the Grand Jury.

145 United States *vs.* Walter Halevan, alias Walter Hort. Before the Commissioner. Number 19077. On January 25, 1937, a complaint was filed against the above defendant, charging a violation of Section 1181 of Title 26, U. S. C. A. and Section 201 LTA 1934. The defendant was arraigned on January 26, 1937, a hearing was held on February 1, 1937, at which time he was held to the District Court to await the action of the Grand Jury. On the same day bond was furnished in the amount of \$500.00. This case was never presented to the Grand Jury.

(3) United States *vs.* Walter Hort. Before the Commissioner. Number 19087. On January 28, 1937, a complaint was filed against the above defendant, charging a violation of Section 1181 of Title 26, U. S. C. A. and Section 201 LTA 1934. The defendant was arraigned on January 28, 1937, a hearing was held on that date, at which time he was discharged, by order of United States Commissioner.

(4) United States *vs.* Clem Dowiat. Before the Commissioner. Number 19427. On June 30, 1937, a complaint was filed against the above defendant, charging a violation of Section 1181 and Section 404, Title 26, U. S. C. A., and Section 201 LTA 1934. The defendant was arraigned on June 30, 1937, a hearing was held, continued to July 9, 1937, on which date the defendant was held to the District Court to await the action of the Grand Jury. On October 6, 1937, the Grand Jury voted a "No True Bill."

146 (5) United States *vs.* Peter Hodorowicz and Clem Dowiat. Before the Commissioner. Number 19574. On September 2, 1937, a complaint was filed against the above defendant, charging a violation of Sections 281, 306, and 1181 of Title 26, U. S. C. A., and Section 201 LTA 1934. The defendant was arraigned on September 2, 1937, and the case was then continued to September 9, 1937, then to September 13, 1937, then to September 23, 1937, at which time a hearing was held and the case was then continued to September 24, 1937, when both defendants were discharged by order of the United States Commissioner.

(6) United States *vs.* Ralph Sharp, alias Ralph Hoppe, alias Ralph Bogush. Before the Commissioner. Number 18978. On December 21, 1936, a removal complaint, involving a violation of Section 88 of Title 18, U. S. C. A., was

filed against the above defendant for his removal to the Billings District in Montana. A warrant issued on December 21, 1936. The defendant was arrested on February 10, 1937, his bond was taken on February 12, 1937; the case was then continued to February 16, 1937, and then continued to February 26, 1937, when the defendant was discharged, by order of the United States Commissioner.

(7) *United States vs. Walter Kwiatowski.* Before the Commissioner. Number 20478. On August 26, 1938, a search warrant was issued, describing the premises located at 7915 Saginaw Avenue, Chicago, Illinois. A complaint was filed on the same date, charging a violation of Sections 281, 306, 307, and 1181 of Title 26, U. S. C. A. The defendant was arraigned on August 26, 1938, when the cause was continued to August 31, 1938; then to September 12, 1938, and then to September 14, 1938, when after a hearing by the Commissioner, the defendant was discharged, by order of the United States Commissioner.

147 (8) *United States vs. Paul Svec.* Before the Commissioner. Number 20783. On December 10, 1938, a complaint was filed against the above defendant, charging a violation of Sections 281, 306, 307, and 1181 of Title 26, U. S. C. A., and Section 201, LTA 1934. The defendant was arraigned on December 10, 1938, and the hearing was continued to December 14, 1938, and then to December 21, 1938, when the defendant was discharged, by order of the United States Commissioner.

(9) *United States v. William J. Workman, et al.* In the United States District Court for the Northern District of Illinois, D. C. Number 29092. This indictment was returned June 28, 1935, and charged some thirty-two defendants with violations of Sections 281, 303, 306, 307, and 1181 of Title 26, U. S. C. A.; Section 201, LTA 1934, and Section 88 of Title 18, U. S. C. A. On April 1, 1936, the cause against H. S. Welch and N. L. Welch was dismissed for want of prosecution.

(10) *United States vs. William Burba.* Before the Commissioner. Number 19300. On April 30, 1937, a complaint was filed against the above defendant, charging a violation of Section 1181 of Title 26, U. S. C. A., and Section 201 LTA 1934. Bond in the amount of \$1,000 was furnished on April 30, 1937, and the case continued to May 8, 1937, then to May 15, 1937, when the defendant was held to the District Court to await the action of the Grand Jury. On June 24, 1937, the Grand Jury returned an in-

dictment, charging the same defendant Burba with a violation of Section 201, LTA 1934, and Section 1181, Title 26, U. S. C. A. (D. C. Number 30379). On October 8, 1937, the defendant entered a plea of guilty and received a sentence of three months and a fine of \$225 on Count 1 of the indictment, and a fine of \$225 on Count 2 of the indictment.

148 (11) *United States vs. Anthony Hodorowicz, Clem Dowiat, and Elmer Swanson.* Before the Commissioner. Number 19888. On January 3, 1938, a complaint was filed against the defendants, Anthony Hodorowicz and Clem Dowiat, charging a violation of Sections 281, 284, 306, and 1181 of Title 26, U. S. C. A., and Section 201, LTA 1934. The defendants were arraigned on January 3, 1938, and the case was continued to February 16, 1938, when the defendants were discharged, by order of the United States Commissioner.

*United States vs. Carl Swanson.* Before the Commissioner. Number 19893. A complaint was filed against the above defendant, Carl Swanson, charging a violation of Sections 281, 284, 306, and 1181 of Title 26, U. S. C. A., and Section 201, LTA 1934. A hearing was held on January 3, 1938, and continued to January 5, 1938, then continued to January 26, 1938, and then continued to February 16, 1938, when this defendant was discharged, by order of the United States Commissioner.

*United States vs. Anthony Hodorowicz, Clem Dowiat, and Elmer Swanson.* An indictment returned against the above three defendants charged a violation of Sections 281 and 1181 of Title 26, U. S. C. A., and Section 201, LTA 1934. On April 28, 1938, an Order was entered, on motion of Assistant United States District Attorney Daniel D. Glasser, striking this indictment with leave to reinstate.

(12) *United States vs. Leo Vitale, Petro Mando, Dominick Sabatina, and Michael Simanello.* In the District Court of the United States for the Northern District of Illinois. D. C. Number 30950. On April 26, 1938, an indictment was returned, charging the above defendants with a violation of Sections 281, 261, 303, 306, 307, 1181, and 193 of Title 26, U. S. C. A., and Section 201, LTA 1934.

149 On July 11, 1938, the defendant, Leo Vitale, received a sentence of one hour in the custody of the United States Marshal. On October 21, 1938, all counts except Count 2 were dismissed as to the defendant Simanello; plea of not guilty was withdrawn and plea of

guilty entered as to Simanello. The defendant was sentenced to serve six months and pay a fine of \$500. A motion for probation was entered by defendant Simanello and said motion was continued to November 11, 1938, when the imposition of sentence was suspended and probation allowed. On November 21, 1938, the cause was stricken from the docket with leave to reinstate as to the defendants, Petro Mando and Dominick Sabatina.

(13) United States *vs.* Stanley Slesuraitis, alias Stanley Slesure, Joseph Cole, Louis Pregenzer, Lincoln Rankin, and Ralph Bogush. United States District Court Number 30992. This indictment was returned June 1, 1938, and charged the above defendants with a violation of Sections 281, 261, 193, 303, 306, 307, and 1181 of Title 26, U. S. C. A., and Section 201, LTA 1934, and Section 88 of Title 18, U. S. C. A., at Spring Grove, Illinois, on January 19, 1937. The defendant, Lincoln Rankin, was named in a United States Commissioner's complaint, Number 19067, and the defendants, Louis Pregenzer and Joseph Cole were named in a United States Comissioner's complaint, Number 19238; the defendant Stanley Slesuraitis, alias Stanley Slesure, was named in a United States Commissioner's complaint, Number 20013, all charged with a violation of Sections 281, 306, 307, and 1181 of Title 26, U. S. C. A., and Section 201, LTA 1934.

(14) United States *vs.* Louis Kaplan, Edward R. Dewes, Victor Raubunas, Joseph F. Cole, Louis Pregenzer, Lincoln Rankin, and Ralph Bogush. D. C. Number 31591. On May 19, 1939, the above indictment was returned by the Grand Jury, and on June 5, 1939, the defendant, Lincoln Rankin, entered a plea of guilty, and the defendants, Louis Kaplan, Edward R. Dewes, Victor Raubunas, Joseph F. Cole, and Louis Pregenzer entered pleas of not guilty. This indictment is still pending.

150 (15) United States *vs.* Frank Hodorowicz, Mike Hodorowicz, Peter Hodorowicz, and Clem Dowiat. In the United States District Court for the Northern District of Illinois. D. C. Number 31013. This indictment was returned on June 3, 1938, and charged the defendants with a violation of Section 201, LTA 1934, and Section 1181 of Title 26, U. S. C. A. A trial was had on February 2, 1939. A Motion for Directed Verdict as to Frank and Peter Hodorowicz was sustained on that date. A verdict of guilty as to Mike Hodorowicz and Clem Dowiat was en-

tered on that date, and the defendants sentenced to serve nine months, on March 20, 1939.

(16) United States *vs.* Frank Hodorowicz and Clem Dowiat. D. C. Number 31014. This indictment was returned on June 3, 1938, and charged a violation of Section 201, LTA 1934, and Section 1181 of Title 26, U. S. C. A. The defendants were convicted on February 3, 1939, and on March 20, 1939, the defendant, Frank Hodorowicz, was sentenced to serve one year and one day, and Peter Hodorowicz and Clem Dowiat were sentenced to serve nine months, to run concurrently with the sentence imposed in D. C. Number 31013.

(17) United States *vs.* Emil H. Beisner, Edward Farber, Adam Widzes, and George Neiss. Number 19788. Before the Commissioner. On November 18, 1937, a complaint was filed against the above defendants, charging a violation of Sections 281, 306, 307, and 1181 of Title 26, U. S. C. A., and Section 201, LTA 1934. The defendants were arraigned on November 19, 1937, and the cause was continued to November 24, 1937, then to December 2, 1937, then to December 9, 1937, when an Order was entered holding all defendants to the District Court to await the action of the Grand Jury.

The October Grand Jury returned a No True Bill as to Leo Duthorn, Edward Farber, George Neiss, and 151 Adam Widzes. On November 1, 1938, the October

Grand Jury returned an indictment against Emil H. Beisner, Edward R. Dewes, and Victor Raubunas, charging a violation of Sections 281, 261, 193, 303, 306, 307, and 1181 of Title 26, U. S. C. A.; Section 201, LTA 1934, and Section 88 of Title 18, U. S. C. A. Case Number 31291.

(18) United States *vs.* Emil H. Beisner, Edward R. Dewes, Leo Duthorn, Edward Farber, George Neiss, Victor Raubunas, and Adam Widzes. D. C. Number 31502. This indictment was returned April 21, 1939, and charged a violation of Sections 281, 261, 193, 303, 306, 307, and 1181 of Title 26, U. S. C. A., and Section 201, LTA 1934, and Section 88, Title 18, U. S. C. A.

(19) United States *vs.* Stanley Slesuraitis, alias Stanley Slesur, Stanley Wasielewski, *et al.* D. C. Number 31244. On December 9, 1938, an indictment was returned, charging the above defendants with a violation of Sections 281, 261, 193, 303, 306, 307, and 1181 of Title 26, U. S. C. A.; Section 201, LTA 1934, and Section 88, of Title 18, U. S. C. A. On March 31, 1939, Stanley Slesuraitis entered a

plea of guilty, and on June 30, 1939, he received a sentence of four years, to run concurrently with the sentence imposed in D. C. Numbers 30992 and 31257, and the sentence imposed by Judge Robert C. Butzell on April 4, 1939, at Terre Haute, Indiana.

(20) United States *vs.* Terrence J. Druggan, Harold C. Hayes, A. J. Schanfarber, James J. Cullen, Sr., John Martin, and Gambrinus Company, Inc., a Corporation. D. C. Number 31746. On August 9, 1939, an indictment was returned, charging the above defendants with a violation of Section 88 of Title 18, U. S. C. A.

152 (21) United States *vs.* Louis Nuzzo, alias Louis Nuzzio, alias Louis Spino, alias Louis Pero, alias Louis Russo, John Jursich, Stanley Bronkowski, alias Stanley Cook, alias S. Cook, Dominic Guastello, alias John Walters, alias Dominic J. Guastello, Charles Banks, alias Fife, and Joseph Severino. D. C. Number 30994. On June 1, 1938, an indictment was returned, charging the above defendants with a violation of Sections 281, 261, 193, 303, 306, 307, and 1181 of Title 26, U. S. C. A.; Section 201 LTA of 1934, and Section 38, Title 18, U. S. C. A.

Question (d) What are the dates, entitlements, and the kind and character of certain questions, matters, causes, and proceedings which were brought before such officer or officers in their official capacity and in which it was intended the decision and action of said officer or officers was to be influenced?

Answer: See Answer to Question (c).

Question (e) What actions were said officer or officers induced to do and what acts were they induced to omit to do in violation of his or their lawful duty?

Answer: In the cases hereinabove enumerated, the defendant, Daniel D. Glasser, failed to honestly, properly, and dutifully represent the Government of the United States, in that he failed to present to the United States Commissioner and the various Judges of the United States District Court hearing said causes, and the Grand Juries impaneled by the District Court, certain evidence in his possession. That he refrained from presenting to the United States Commissioner, the Grand Juries, and the Judges of said United States District Court, sufficient evidence in his possession, necessary to be presented for proper and just disposition of said causes. That the said Daniel D. Glasser accepted money and other things of value to influence his official action and conduct.

153 Question (a) appearing on page 2 under Title "Paragraphs 15 to 32 inclusive":

In what matters, causes and proceedings as to titles, cause numbers and descriptions did the defendants solicit persons to pay money?

Answer: All of the matters, causes and proceedings set forth in the answer to Question (c).

Question (b) appearing under the same title:

What defendants made the solicitations, and what persons were solicited, and on what dates, at what places, and in what amounts were these persons solicited?

Answer: The defendants, Kretske, Kaplan, and Horton made the solicitations, and the persons named as defendants in the cases enumerated in the answer to question (c) were the persons solicited. The dates were approximately before commencement, during pendency and after termination of the particular cases. The place was Chicago, Illinois; and the amounts ranged from the sum of \$25. to the sum of \$1500. Weekly payments were made in the amount of \$430. by Kaplan to Glasser and Kretske for protection and immunity from prosecution.

Question set forth, but not numbered, under Title "Paragraphs 17 to 20 inclusive" appearing on page 2:

What is the character of the alleged fraud which it is contended the defendant, Norton I. Kretske, was to commit?

Answer: The character of the fraud Norton I. Kretske did commit was as follows: First, to violate the oath that he took on entering upon the discharge of his duties as an Assistant United States Attorney, to faithfully obey and carry out the laws of the United States and to prosecute all offenders of those laws which he, as an Assistant United States Attorney, was delegated to prosecute, or aid and assist other Assistant United States Attorneys delegate to prosecute; Second, to corruptly and feloniously ask certain persons who had offended against the laws of the United States to pay him certain sums of money to be used to corruptly influence an Assistant United States Attorney, employed, delegated, and assigned to prosecute said law violators, for and on behalf of the United States; Third, to corruptly fail to prosecute certain cases delegated and assigned to him by the United States Attorney for prosecution.

154

## Count Two.

The answers to the Questions set forth under Count 2 are identical with the Answers set forth to the questions under Count 1.

The following Answers are made to the Questions set forth by the defendant, Daniel D. Glasser:

## Count One.

Question 1. State the names of "the persons" alleged in paragraph 14 to be "acting for and on behalf of the United States".

Answer: The names of "the persons" alleged in paragraph 14 to be "acting for and on behalf of the United States" are the defendants, Norton I. Kretske and Daniel D. Glasser.

Question 2. Who are the "officers" mentioned in paragraph 14 whom the defendant Glasser and the other defendants conspired to promise, offer, cause and procure to be promised and offered money and other things of value?

Answer: The officers mentioned in paragraph 14 whom the defendants conspired to promise, offer, cause and procure to be promised and offered money and other things of value were Daniel D. Glasser and Norton I. Kretske.

Question 3. When and where was the conspiracy charged in Count 1 entered into by the defendant Glasser and who were the then members of the conspiracy?

Answer: On or about April 1, 1935, at Chicago, Illinois. The conspiracy was first entered into by Norton I. Kretske and Daniel D. Glasser. Norton I. Kretske and Daniel D. Glasser were the first persons to bring the unlawful agreement into existence.

155 Question 4. State the nature, time, place, and amount of each promise and offer made to an officer of the United States and by whom and to whom each such promise and offer was made.

Answer: See the names of persons in the cases hereinabove enumerated in Answer to Question (e) under paragraphs 14 and 16 of the Demand by Norton I. Kretske. The persons who made the solicitations are the defendants, Kretske, Kaplan, and Horton. The solicitations were made to the persons named as defendants in the afore-

mentioned paragraph. The amounts of each promise and offer made to an officer of the United States range from the sum of \$25.00 to \$1500.00, and the evidence will show also a payment of \$430.00 each week for approximately one year by the defendant Kaplan to the defendants Kretske and Glasser for protection and immunity from prosecution.

Question 5. State the time, place, amount, and circumstances of each payment of money to the defendant Glasser by the persons named in paragraph 12 of the indictment whom it is alleged in paragraph 37 "did pay money to the defendants".

Answer: (1) The defendant, Norton I. Kretske, delivered a part of the \$800.00 he had received from Frank Hodorowicz on or about January 15, 1937, to the defendant, Daniel D. Glasser, in the City of Chicago, County of Cook, and State of Illinois.

(2) The defendant, Louis Kaplan, paid the sum of \$430.00 a week to the defendants, Daniel D. Glasser and Norton I. Kretske, for a period of approximately one year for protection against prosecution for operating certain stills.

Question 6. State the names of the persons referred to in paragraphs 28, 29, and 32 as "certain persons," "persons," and "said persons".

Answer: The "certain persons," "persons," and "said persons" referred to in paragraphs 28, 29, and 32 are the particular individuals who are named as defendants in certain cases enumerated in the Answer to Question (c) hereinabove set forth.

156 Question 7. What is the fraud the officer or officers of the United States and persons acting for and on behalf of the United States in an official function under and by authority of a department and office of the Government of the United States was to commit and aid in committing and collude in committing?

Answer: The character of the fraud Daniel D. Glasser did commit was as follows: First, to violate the oath that he took on entering upon the discharge of his duties as an Assistant United States Attorney, to faithfully obey and carry out the laws of the United States and to prosecute all offenders of those laws which he, as an Assistant United States Attorney, was delegated to prosecute, or aid and assist other Assistant United States Attorneys delegated to prosecute; Second, to corruptly fail to prosecute cer-

tain cases delegated and assigned to him by the United States Attorney for prosecution.

Question 12: When, where, and by whom was any "certain sum of money" promised to be paid or offered to the defendant Glasser?

Answer: See Answer to Question 5.

Question 13a. In what causes, matters, and proceedings, is it claimed the defendant Glasser made decisions so that certain persons would not be charged with a violation of the laws of the United States?

Answer: United States *vs.* Joseph Katzen. United States *vs.* Dominick Curbis and Gust Lazuka. United States *vs.* Walter Kwiatowski. United States *vs.* Peter Hodorowicz. United States *vs.* Walter Halevan, alias Walter Hort. United States *vs.* Leo Duthorn. United States *vs.* George Neiss. United States *vs.* Adam Widzes. United States *vs.* Mae Jurkas. United States *vs.* Joseph Severino. United States *vs.* Ned Bakes. United States *vs.* Terrence J. Druggan, Harold C. Hayes, A. J. Schanfarber, James J. Culler, Sr., John Martin, and Gambrinus Company, Inc., a Corporation. United States *vs.* Louis Kaplan.

157 Question 13(b). In what causes, matters, and proceedings were persons found not guilty and discharged because of any unfaithful performance of duty by the defendant Glasser?

Answer: The Answer to this Question can be found in the cases enumerated in the Answer to Question (c) hereinabove mentioned.

Question 13(c). In what causes, matters, and proceedings did the defendant commit a fraud on the United States by making legal motions to dismiss charges against certain persons?

Answer: The defendant, Daniel D. Glasser, committed a fraud on the United States by making motions to dismiss charges against certain of the defendants mentioned in the Answer to Question (c).

Question 13(d). In what causes, matters, and proceedings was information withheld from the Grand Jury?

Answer: United States *vs.* Louis Kaplan. United States *vs.* Peter Hodrowicz. United States *vs.* Walter Halevan, alias Walter Hort. United States *vs.* Leo Vitale. United States *vs.* Leo Duthorn. United States *vs.* Edward Farber. United States *vs.* George Neiss. United States *vs.*

Adam Widzes. See also the Answer to Question (e) of the Demand of Norton I. Kretske.

Question 13(e). In what causes, matters, and proceedings did the defendant Glasser give confidential information to the defendants?

Answer: The defendant Glasser gave confidential information to Frank Hodorowicz, Mike Hodorowicz, Norton I. Kretske, Anthony Horton, Louis Kaplan, and to one of the defendants in the case of *United States vs. William J. Workman, et al.*

Question 13(f). In what causes, matters, and proceedings did the defendant Glasser unduly delay and prolong the proceedings?

Answer: Every case mentioned in the Answer to Question (e) hereinbefore mentioned.

158 Question 15. Is the Louis Kaplan named in paragraph 12 the same Louis Kaplan named as a defendant in this indictment?

Answer: The Louis Kaplan named in paragraph 12 is the same Louis Kaplan named as the defendant in this indictment.

#### Count Two.

The Answers to the Questions set forth under Count 2 are identical with the Answers set forth to the questions under Count 1.

William J. Campbell,  
*United States Attorney for the Northern District of Illinois.*

Dated at Chicago, Illinois, this 28th day of December, A. D. 1939.

159 Endorsed: In the District Court of the United States. \* \* (Caption—31825) \* \* Bill of Particulars. William J. Campbell, United States Attorney.

164 And afterwards, to wit, on the 23rd day of January A. D. 1940, being one of the days of the regular December term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

Entered Jan. 23, 1940. 165 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

ORDER.

This cause coming on to be heard upon the petition of Alfred E. Roth for reconsideration of his demurrer filed to the indictment herein:

It is hereby ordered that the said petition be set down for hearing on January 29th, 1940 at 10 A. M. at The Federal Court House, Chicago, Ill.

Enter:

Patrick T. Stone,

*Judge.*

January 23, 1940.

Filed Jan. 23, 1940. 176 And on, to wit, the 27th day of January A. D. 1940, came the defendant Norton I. Kretske by his attorneys and filed in the Clerk's office of said Court certain Petition for More Specific Bill of Particulars in words and figures following, to wit:

177 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

PETITION FOR MORE SPECIFIC BILL OF PARTICULARS.

To the Honorable Patrick T. Stone, Judge Presiding:

Now again comes your petitioner, Norton I. Kretske, one of the defendants herein, and respectfully represents unto your Honor that on the 29th day of November, 1939, he filed in this cause his petition for a bill of particulars of the matters, things and happenings contained in the indictment herein; that of the particulars requested, said petition on page 2 under the designation "paragraphs 15 to 32 inclusive" asked the following question:

(b) What defendants made the solicitations, and what persons were solicited, and on what dates, at what places, and in what amounts were these persons solicited? and this Honorable Court entered its order upon said pe-

tion on the 20th day of December, 1939, and particularly in reference to said question as follows:

"It is therefore ordered that William J. Campbell, United States Attorney, be and he is hereby directed to file answers to the following questions set forth in the petition of Norton I. Kretske, within five days from date hereon:

Paragraphs 15 to 32 inclusive. Question (b) appearing on page 2."

and on the 28th day of December, 1939, the said William J. Campbell, United States Attorney, as aforesaid, 178 pursuant to the order of this Honorable Court filed answer to said question, on page 11, as follows:

"Question (b) appearing under the same title:

What defendants made the solicitations, and what persons were solicited, and on what dates, at what places, and in what amounts were these persons solicited?

Answer: The defendants, Kretske, Kaplan, and Horton made the solicitations, and the persons named as defendants in the cases enumerated in the answer to question (c) were the persons solicited. The dates were approximately before commencement, during pendency and after termination of the particular cases. The place was Chicago, Illinois; and the amounts ranged from the sum of \$25.00 to the sum of \$1500. Weekly payments were made in the amount of \$430 by Kaplan to Glasser and Kretske for protection and immunity from prosecution."

Your petitioner respectfully represents unto your Honor that the answer to this question as filed by the Government is not only not in conformity with the order of this Honorable Court, but is as general as the allegations of the indictment and so vague, indefinite and uncertain that this defendant is still unable to properly prepare his defense in this regard; that your petitioner further respectfully represents that in asking the question referred to, he desired particulars in each and every instance as to which defendant made a specific solicitation and what person was solicited, the date when the solicitation was made and what place and the amount so solicited, and your petitioner believes that this Honorable Court in ordering the answer to this question reasonably expected that the Government would furnish by its answer each and every instance when it is contended there were any solicitation of money and the full particulars as to each occasion.

179 Your petitioner further respectfully represents unto your Honor that he did not have a preliminary hearing touching the matters set forth in the indictment herein and that he has no means of obtaining the information requested in this petition excepting through and by means of a bill of particulars; that he is absolutely innocent of the charges offered in the indictment and each count thereof, and expects upon the trial of this cause to prove and maintain his innocence; that your petitioner has been advised by his counsel that they cannot properly represent him nor can your petitioner receive a fair and impartial trial, nor is it safe for him to go to trial upon the accusations made against him in said indictment until adequate preparation has been made to meet the evidence which will or may be offered against him, and that they cannot possibly make any preparation whatever to meet such evidence as will or may be offered against him upon the trial of this cause and in support of the accusations made in the indictment unless and until your petitioner obtains such information as is requested in this petition and which the allegations in said indictment do not furnish:

That unless the prosecution is directed to furnish the particulars specified in this petition, there will be no means available now or hereafter to identify the alleged conspiracy charged in said indictment and each count thereof, and for want of such means said indictment furnishes no protection to your petitioner against other and further indictments for the same alleged offenses, nor could any verdict entered upon said indictment be pleaded in bar of further prosecutions for the same alleged offenses.

180 Wherefore, your petitioner respectfully requests that an order be entered requiring the Government to file with the Clerk of this Court, within a reasonable time to be fixed by the Court, a more specific bill of particulars of the matters and things requested by your petitioner under Question (b)—paragraphs 15 to 32 inclusive—page 2 of the petition of your petitioner for a bill of particulars heretofore filed herein on the 29th day of November, 1939.

Norton I. Kretske,  
*Petitioner.*

State of Illinois } ss.  
County of Cook }

Norton I. Kretske, being first duly sworn, upon oath deposes and says that he is one of the defendants in the above entitled cause; that he has read the above and foregoing petition for more specific bill of particulars by him subscribed; that he knows the contents thereof, and that the allegations therein contained are true.

Norton I. Kretske.

Subscribed and sworn to before me this 25th day of January, 1940.

(Seal)

Rose F. Lee,  
*Notary Public.*

Entered  
Jan. 29.  
1940.

181 And afterwards, to wit, on the 29th day of January A. D. 1940, being one of the days of the regular December term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

182 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

Monday January 29, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day comes the defendant Norton I. Kretske by his attorney and enters his motion for a more specific bill of particulars which motion is denied to which ruling of the Court the defendant by his attorney duly excepts.

187 And afterwards, to wit, on the 29th day of January A. D. 1940, being one of the days of the regular December term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

Entered Jan. 29, 1940. 188 IN THE DISTRICT COURT OF THE UNITED STATES.  
\* \* \* (Caption—31825) \* \*

Monday January 29, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This cause coming on to be heard on the petition of defendant Alfred E. Roth for reconsideration of his demurrer after arguments of counsel and due deliberation by this Court said petition is denied to which ruling of the Court the defendant duly excepts.

It is further ordered that the petition of Alfred E. Roth for a severance be and the same is overruled to which ruling of the Court the defendant duly excepts.

Entered Jan. 29, 1940. 189 And afterwards, to wit, on the 29th day of January A. D. 1940, being one of the days of the regular December term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

190 IN THE DISTRICT COURT OF THE UNITED STATES.  
\* \* \* (Caption—31825) \* \*

Monday January 29, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day comes the defendant Daniel D. Glasser by his attorney and enters his motion to strike the Bill of Particulars filed in said cause after arguments of counsel said motion is denied to which ruling of the Court the defendant by his attorney duly excepts.

Whereupon the said defendant by his attorney enters his motion for severance which motion is denied to which ruling of the Court the defendant by his attorney duly excepts.

It Is Further Ordered that part of the petition on page 5 which refers to ill feeling between Joseph Harrington the Judge and District Attorney be and the same is hereby stricken.

191 And afterwards, to wit, on the 29th day of January A. D. 1940, being one of the days of the regular December term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

Entered  
Jan. 29,  
1940.

192 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

Monday January 29, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day comes the United States by the United States Attorney come also the defendants Daniel D. Glasser, Norton I. Kretske, Alfred E. Roth, Anthony Horton alias Tony Horton and Louis Kaplan in their own proper persons and being arraigned upon the indictment filed herein against them each defendant pleads not guilty thereto it is

Ordered that this cause be and the same is hereby set for trial February 5, A. D. 1940.

174 And on, to wit, the 29th day of January A. D. 1940, Filed  
Jan. 29,  
1940. came the defendant by his attorneys and filed in the Clerk's office of said Court a certain APPEARANCE in words and figures following, to wit:

175 DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

I hereby enter the appearance of Daniel D. Glasser, defendant, and myself as associate attorney in the above-entitled cause.

Wm. Scott Stewart,  
*Defendant's Attorney.*

Endorsed: District Court of the United States. \* \* \*  
(Caption—31825) \* \* \* Appearance. Filed Jan. 29, 1940, Hoyt King, Clerk. Wm. Scott Stewart, 77 W. Washington St., Defendant's Attorney. Cen. 1746.

*Filed Feb. 5, 1940.* 193 And on, to wit, the 5th day of February A. D. 1940, came the defendant by his attorneys and filed in the Clerk's office of said Court a certain APPEARANCE in words and figures following, to wit:

194 DISTRICT COURT OF THE UNITED STATES.  
 • • (Caption—31825) • •

I hereby enter my appearance as associate counsel for the defendant, Alfred E. Roth, in the above-entitled cause.  
 Cassius Poust,  
*Defendant's Attorney.*

Endorsed: District Court of the United States. • •  
 (Caption—31825) • • Appearance. Filed Feb. 5, 1940.  
 Hoyt King, Clerk.

*Entered Feb. 5, 1940.* 203 And afterwards, to wit, on the 5th day of February A. D. 1940, being one of the days of the regular February term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

204 IN THE DISTRICT COURT OF THE UNITED STATES.  
 • • (Caption—31825) • •

Monday February 5, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day comes the defendant Norton I. Kretske and enters his motion for a continuance which motion is overruled to which ruling of the Court the defendant duly excepts it is Ordered by the Court that Bernard J. McDonnell be and he is hereby appointed as Attorney for defendant Norton I. Kretske.

205 And afterwards, to wit, on the 5th day of February A. D. 1940, being one of the days of the regular February term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

206 IN THE DISTRICT COURT OF THE UNITED STATES.  
• • (Caption—31825) • •

Entered  
Feb. 5,  
1940.

Monday February 5, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

It Is Ordered by the Court that this cause be and the same is hereby continued for trial to February 6, A. D. 1940.

212 And afterwards, to wit, on the 6th day of February A. D. 1940, being one of the days of the regular February term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

213 IN THE DISTRICT COURT OF THE UNITED STATES.  
• • (Caption—31825) • •

Tuesday February 6, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

It is Ordered that the order heretofore entered appointing Bernard J. McDonnell as Attorney for Norton I. Kretske be and the same is hereby vacated and set aside and it is

Ordered that William Scott Stewart be and he is hereby appointed as attorney for said defendant.

*Filed Feb. 23, 1940.* 214 And on, to wit, the 23rd day of February A. D. 1940, came the defendants by their attorneys and filed in the Clerk's office of said Court certain Motion to Exclude the Proposed Testimony of Alexander Campbell in words and figures following, to wit:

215 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

**MOTION TO EXCLUDE THE PROPOSED TESTIMONY OF ALEXANDER CAMPBELL.**

Now come all of the defendants herein jointly and severally by their respective counsel and move the court to exclude the proposed testimony of one, Alexander Campbell, offered by the prosecution on its behalf on the following grounds based upon the opening statement of the prosecution stating the proposed testimony of the said Alexander Campbell:

1. That the said proposed testimony is not a declaration made in pursuance of the common object of the alleged conspiracy.
  2. That the said proposed testimony is not a part of the execution of the alleged plan of the alleged conspiracy.
  3. That the fact that the declarant is indicted adds nothing to the competence of his alleged declaration.
  4. That the fact that one alleged conspirator tells another something allegedly relevant to the alleged conspiracy does not make the alleged declaration competent.
  5. That mere conversation of an alleged conspirator with another does not implicate him or others in a conspiracy with others not independently shown to be a party to the alleged conspiracy.
  6. That no independent proof of the alleged conspiracy has been offered.
  7. That the proposed testimony is concerning a transaction not related to the alleged conspiracy.
- 216 8. That the Bill of Particulars setting forth the causes, persons and places involved so that the defendants might be prepared to meet the particulars alleged, does not set forth the case of the United States versus Edward Wroblewski and William Wroblewski in the Northern District of Indiana.

9. That the proposed testimony is prejudicial and will not tend to prove any issue in the above cause.

Wm. Scott Stewart,  
George F. Callaghan,  
Henry L. Balaban,  
*Attorney for Anthony J. Horton.*  
Edward J. Hess,  
• *Attorney for Kaplan.*  
Cassius Poust,  
*Attorney for Defendants.*

220 And afterwards, to wit, on the 26th day of February A. D. 1940, being one of the days of the regular February term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

221 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

Monday February 26, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day again comes the United States by the United States Attorney come also the defendants Daniel D. Glasner, Norton I. Kretske, Anthony Horton alias Tony Horton, Alfred E. Roth and Louis Kaplan in their own proper persons and the Jury heretofore empaneled herein for the trial of said cause also come and thereupon at the close of the Government's evidence each defendant by his attorney enters his motion for a directed verdict of not guilty which motion is overruled to which ruling of the Court the defendants by their attorneys duly except.

222 And afterwards, to wit, on the 27th day of February A. D. 1940, being one of the days of the regular February term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable District Judge appears the following entry, to wit:

Entered  
Feb. 26  
1940.

Entered Feb. 27, 1940. 223 IN THE DISTRICT COURT OF THE UNITED STATES.  
\* \* \* (Caption—31825) \* \*

Tuesday, February 27, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day come the defendants by their attorneys and enter their motion for a rule on the United States Attorney to elect whereupon the United States Attorney elects to stand on count 2 of the indictment and on motion of the United States Attorney it is

Ordered that this cause be and the same is hereby dismissed as to count one of the indictment.

Entered Mar. 5, 1940. 227 And afterwards, to wit, on the 5th day of March, A. D. 1940, being one of the days of the regular March term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge appears the following entry, to wit:

228 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

Tuesday, March 5, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day again comes the United States by the United States Attorney comes also the defendants Daniel D. Glasser, Norton I. Kretske, Alfred E. Roth, Anthony Horton alias Tony Horton and Louis Kaplan in their own proper persons also come and the Jury heretofore empaneled herein for the trial of said cause also come and thereupon at the close of all the evidence the defendant Alfred E. Roth and all other defendants by their attorneys enter herein their motion for a directed verdict which motion is overruled and denied and the usual hour of adjournment having arrived it is

Ordered the said jury be and they are hereby permitted to separate.

232 And afterwards, to wit, on the 8th day of March,  
A. D. 1940, being one of the days of the regular March  
term of said Court, in the record of proceedings thereof,  
in said entitled cause, before the Honorable Patrick T.  
Stone, District Judge appears the following entry, to wit:

233 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* \* (Caption—31825) \* \*

Friday, March 8, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day comes the United States by the United States Attorney comes also the defendants in their own proper persons and the Jury heretofore empaneled herein for the trial of said cause also come and render their verdict and upon their oath do say "We the Jury find the defendants Daniel D. Glasser, Norton I. Kretske, Alfred E. Roth, Anthony Horton alias Tony Horton and Louis Kaplan guilty as charged in the indictment" whereupon on motion of the defendants' attorneys that the Jury be polled the Clerk inquired of each and every juror "was this and is this your verdict" to which inquiry each and every juror replied in the affirmative.

Whereupon each defendant by his attorney enters his motion for a finding of not guilty and for a new trial in said cause which motion are entered and continued to April 8, A. D. 1940.

Bonds heretofore filed herein by said defendants are to remain in full force and effect.

234 And afterwards, to wit, on the 8th day of April,  
A. D. 1940, being one of the days of the regular April  
term of said Court, in the record of proceedings thereof,  
in said entitled cause, before the Honorable Patrick T.  
Stone, District Judge appears the following entry, to wit:

Entd  
Mar  
1940.

**Entered  
Apr. 8,  
1940.** 235 IN THE DISTRICT COURT OF THE UNITED STATES.  
 \* \* \* (Caption—31825) \* \*

Monday, April 8, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day again comes the United States by the United States Attorney come also the defendants Daniel D. Glasser, Norton I. Kretske, Alfred E. Roth, Anthony Horton alias Tony Horton and Louis Kaplan in their own proper persons and it is

Ordered by the Court that the motion for finding of not guilty as to each defendant and the motion for a new trial be and the same is hereby continued to April 22, A. D. 1940.

**Entered  
Apr. 22,  
1940.** 236 And afterwards, to wit, on the 22nd day of April, A. D. 1940, being one of the days of the regular April term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge appears the following entry, to wit:

237 IN THE DISTRICT COURT OF THE UNITED STATES.  
 \* \* \* (Caption—31825) \* \*

Monday, April 22, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day again comes the United States by the United States Attorney come also the defendants Daniel D. Glasser, Norton I. Kretske, Alfred E. Roth, Anthony Horton, alias Tony Horton and Louis Kaplan in their own proper persons and thereupon this cause coming on to be heard on the defendants' motion for a finding of not guilty and for a new trial in said cause after arguments of counsel it is

Ordered that this cause be and the same is hereby continued for disposition to April 23, A. D. 1940.

238 And afterwards, to wit, on the 23rd day of April, Entered  
Apr. 23.  
1940.  
A. D. 1940, being one of the days of the regular April term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge appears the following entry, to wit:

239 IN THE DISTRICT COURT OF THE UNITED STATES.  
\* \* \* (Caption—31825) \* \*

Tuesday, April 23, A. D. 1940.

Present: Honorable Patrick T. Stone, Judge.

This day again comes the United States by the United States Attorney comes also the defendants Daniel D. Glasser, Norton I. Kretske, Alfred E. Roth, Anthony Horton, alias Tony Horton and Louis Kaplan in their own proper persons also come and it is

Ordered by the Court that the motions for finding of not guilty as to each defendant and the motions for a new trial in said cause be and the same is hereby denied to which ruling of the Court the defendant's by their attorneys duly except and on motion of the attorney for the defendant Daniel D. Glasser it is

Ordered that leave be and the same is hereby given said defendant to file three affidavits and leave be and the said is hereby given the defendant Alfred E. Roth to file two affidavits and leave be and the same is hereby given the defendants to file motion for a directed verdict and motions in arrest of judgment.

Entered  
Apr. 23,  
1940.

252 And afterwards, to wit, on the 23rd day of April, A. D. 1940, being one of the days of the regular April term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge appears the following entry, to wit:

253 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* (Caption—31825) \*

### ORDER.

This day comes the United States by the United States Attorney, comes also the defendants, Daniel D. Glasser, Norton I. Kretske, Alfred E. Roth, Anthony Horton, alias Tony Horton, and Louis Kaplan in their own proper persons and file herein their motions for a new trial in said cause, and thereupon this cause coming on to be heard on the defendants' motions heretofore entered herein for a new trial in said cause after arguments of counsel and due deliberations by the Court, said motions are overruled and a new trial denied, to which ruling of the Court the defendants duly except, whereupon the defendant, Alfred E. Roth, enters herein his motion for a judgment of not guilty, notwithstanding the verdict, which motion is also overruled, to which ruling of the Court the defendant, Alfred E. Roth, duly excepts, and whereupon the defendants enter herein their motion in arrest of judgment, which motion is also overruled, to which ruling of the Court the defendants duly except, and the defendants being asked by the Court if they have anything to say why the sentence and judgment of the Court should not be pronounced upon them and showing no good and sufficient reasons why sentence and judgment should not be pronounced, it is therefore considered and

Ordered by the Court and is the sentence and judgment of the Court upon the verdict of guilty so rendered by the jury aforesaid that the defendants, Daniel D. Glasser, Norton I. Kretske, and Louis Kaplan, be committed in the custody of the Attorney General to be confined in a 254 United States Penitentiary for a period of fourteen months; that the defendant, Alfred E. Roth, forfeit and pay to the United States a fine in the sum of \$500.00; that the defendant Anthony Horton alias Tony Horton, be committed in the custody the Attorney General to be

confined in a United States Penitentiary for a period of one year and one day and sentence as to the defendant, Anthony Horton, alias Tony Horton is suspended and the said defendant is placed upon probation for a period of two years.

Patrick T. Stone,  
*United States District Judge.*

Dated at Chicago, Illinois, this 17th day of May, A. D. 1940, as of April 23, 1940.

255 IN THE DISTRICT COURT OF THE UNITED STATES  
OF AMERICA

Filed  
Apr. 2  
1940.

For the Northern District of Illinois,  
Eastern Division.

The United States of America,                          }  
                            *vs.*                                      } No. 31825.  
Daniel D. Glasser, *et al.*                              }

NOTICE OF APPEAL AS TO DEFENDANT,  
NORTON I. KRETSKE.

Name and address of appellant:

Norton I. Kretske, 1225 Newberry Ave., Chicago, Illinois.

Name and address of attorney for appellant:

Norton I. Kretske, 1225 Newberry Ave., Chicago, Illinois.

Offense:

Violation of Section 88, Title 18 United States Code  
(conspiring to defraud the United States).

Date of Judgment:

April 23rd, 1940.

Brief description of judgment or sentence:

Sentenced to the custody of the Attorney General for confinement in a penitentiary for 14 months.

I, the above named appellant, hereby appeal to the United States Circuit Court of Appeals, for the 7th circuit, from the judgment above mentioned on the ground set forth below.

Norton I. Kretske,

Dated: April 26th, 1940.

Appellant.

**1.**

The court erred in denying the motion to quash the indictment.

**2.**

The indictment fails to sufficiently allege an offense under the laws and constitution of the United States.

**3.**

The court erred in overruling the demurrer to the indictment.

**4.**

There is a fatal variance between the allegations of the indictment and the proof.

**5.**

The defendant was deprived of a trial by jury as guaranteed by the laws and constitution of the United States.

**6.**

The court erred in admitting evidence not within the scope of the bill of particulars to the surprise and prejudice of the defendant.

**7.**

The court erred in admitting incompetent evidence to the prejudice of the defendant.

**8.**

The court erred in denying defendant's motion to strike and exclude testimony.

**9.**

The court erred in restricting and limiting the cross-examination of the witnesses for the government to the prejudice of the defendant.

10.

The court erred in permitting the prosecution to ask improper questions of the witnesses for the government and the defense to the prejudice of the defendant.

11.

The court erred in denying the defendant's motion for a directed verdict of not guilty at the close of all the evidence.

12.

The evidence is insufficient to sustain the verdict of guilty.

13.

The court erroneously instructed the jury as to the law of the case.

14.

The court erred in refusing to give the instructions tendered by the defendant.

15.

The court erred in giving the tendered instructions of the defendant in a modified form.

16.

The court erred in denying the motion for a finding of not guilty notwithstanding the verdict of guilty.

17.

The court erred in denying the motion for a new trial.

18.

The court erred in denying the motion in arrest of judgment.

19.

The court erred in pronouncing judgment.

20.

All the foregoing grounds of appeal separately and severally considered deprived the defendant of a fair and impartial trial as guaranteed to him by the laws and constitution of the United States and particularly the fifth and sixth amendments thereto.

Norton I. Kretske,  
*Appellant.*

Received a copy of the foregoing notice of appeal this day of April, A. D. 1940.

*U. S. Attorney.*

<sup>Filed  
Apr. 26,  
1940.</sup> 259 And on, to wit, the 26th day of April, A. D. 1940, came Daniel D. Glasser and Norton I. Kretske and filed in the Clerk's office of said Court Two Notices of Appeal in words and figures following, to wit:

257 IN THE DISTRICT COURT OF THE UNITED STATES  
OF AMERICA

For the Northern District of Illinois,  
Eastern Division.

The United States of America,      }  
                vs.                         }  
Daniel D. Glasser, *et al.*             } No. 31825.

NOTICE OF APPEAL AS TO DEFENDANT,  
DANIEL D. GLASSER.

Name and address of appellant:

Daniel D. Glasser, 6125 North Washtenaw Ave., Chicago,  
Illinois.

Name and address of attorney for appellant:

Daniel D. Glasser, 135 So. La Salle Street, Chicago,  
Illinois.

Offense:

Violation of Section 88, Title 18 United States Code  
(conspiring to defraud the United States).

Date of Judgment:

April 23rd, 1940.

Brief description of judgment or sentence:

Sentenced to the custody of the Attorney General for confinement in a penitentiary for 14 months.

I, the above named appellant, hereby appeal to the United States Circuit Court of Appeals, for the 7th Circuit, from the judgment above mentioned on the grounds set forth below.

Daniel D. Glasser,  
*Appellant.*

Dated: April 26th, 1940.

258

Grounds of Appeal.

1.

The court erred in denying the motion to quash the indictment.

2.

The indictment fails to sufficiently allege an offense under the laws and constitution of the United States.

3.

The court erred in overruling the demurrer to the indictment.

4.

There is a fatal variance between the allegations of the indictment and the proof.

5.

The defendant was deprived of a trial by jury as guaranteed by the laws and constitution of the United States.

6.

The court erred in admitting evidence not within the scope of the bill of particulars to the surprise and prejudice of the defendant.

7.

The court erred in admitting incompetent evidence to the prejudice of the defendant.

8.

The court erred in denying defendant's motion to strike and exclude testimony.

9.

The court erred in restricting and limiting the cross-examination of the witnesses for the government to the prejudice of the defendant.

10.

The court erred in permitting the prosecution to ask improper questions of the witnesses for the government and the defense to the prejudice of the defendant.

11.

The court erred in denying the defendant's motion for a directed verdict of not guilty at the close of all the evidence.

12.

The evidence was insufficient to sustain the verdict of guilty.

13.

The court erroneously instructed the jury as to the law of the case.

14.

The court erred in refusing to give the instructions tendered by the defendant.

15.

The court erred in giving the tendered instructions of the defendant in a modified form.

16.

The court erred in denying the motion for a finding of not guilty notwithstanding the verdict of guilty.

17.

The court erred in denying the motion for a new trial.

18.

The court erred in denying the motion in arrest of judgment.

19.

The court erred in pronouncing judgment.

20.

All the foregoing ground of appeal separately and severally considered deprived the defendant of a fair and impartial trial as guaranteed to him by the laws and constitution of the United States and particularly the fifth and sixth amendments thereto.

Daniel D. Glasser,  
*Appellant.*

Received a copy of the foregoing notice of appeal this 26th day of April, 1940.

*U. S. Attorney.*

260 And on, to wit, the 27th day of April, A. D., 1940, came the defendant Alfred E. Roth and filed in the Clerk's office of said Court certain Notice of Appeal in words and figures following, to wit:

261 IN THE DISTRICT COURT OF THE UNITED STATES  
For the Northern District of Illinois,  
Eastern Division.

The United States of America, }  
vs. } No. 31825.  
Daniel D. Glasser, et al. }

NOTICE OF APPEAL AS TO DEFENDANT,  
ALFRED E. ROTH.

Name and address of appellant:

Alfred E. Roth, 5528 N. Kenmore Avenue, Chicago, Illinois.

Name and address of attorney for appellant:

Alfred E. Roth, 10 N. Clark Street, Chicago, Illinois.

**Offense:**

Violation of Section 88, Title 18, United States Code  
(conspiring to defraud the United States).

**Date of Judgment:**

April 23, 1940.

**Brief description of judgment and sentence:**

To pay a fine of five hundred dollars.

I, the above named appellant, hereby appeal to the United States Circuit Court of Appeals, for the Seventh Circuit, from the judgment above mentioned on the grounds set forth below.

Alfred E. Roth,  
*Appellant.*

Dated: April 26, 1940.

**1.**

The court erred in denying the motion to quash the indictment.

**2.**

The indictment fails to sufficiently allege an offense under the laws and constitution of the United States.

**3.**

The court erred in overruling the demurrer to the indictment.

**4.**

There is a fatal variance between the allegations of the indictment and the proof.

**5.**

The defendant was deprived of a trial by jury as guaranteed by the laws and constitution of the United States.

**6.**

The court erred in admitting evidence not within the scope of the bill of particulars to the surprise and prejudice of the defendant.

7.

The court erred in admitting incompetent evidence to the prejudice of the defendant.

8.

The court erred in denying defendant's motion to strike and exclude testimony.

9.

The court erred in restricting and limiting the cross examination of the witnesses for the government to the prejudice of the defendant.

10.

The court erred in permitting the prosecution to ask improper questions of the witnesses for the government and the defense to the prejudice of the defendant.

11.

The court erred in denying defendant's motion for a directed verdict of not guilty at the close of all the evidence.

12.

The evidence is insufficient to sustain the verdict of guilty.

13.

The court erroneously instructed the jury as to the law of the case.

14.

The court erred in refusing to give the instructions tendered by the defendant.

15.

The court erred in giving the tendered instructions of the defendant in a modified form.

16.

The court erred in denying the motion of the defendant for a finding of not guilty notwithstanding the verdict of guilty.

17.

The court erred in denying the motion of the defendant for a new trial.

18.

The court erred in denying the motion of the defendant in arrest of judgment.

19.

The court erred in pronouncing judgment.

20.

All the foregoing grounds of appeal separately and severally considered deprived the defendant of a fair and impartial trial as guaranteed to him by the laws and the constitution of the United States and particularly the fifth and sixth amendments thereto.

Alfred E. Roth,  
*Appellant.*

Received a copy of the foregoing notice of appeal this 26th day of April, A. D., 1940.

*United States Attorney.*

*Filed June 27, 1940.* 276 And on, to wit, the 27th day of June, A. D., 1940, came the defendants and filed in the Clerk's office of said Court a Joint and Several Assignment of Errors in words and figures following, to wit:

277 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* (Caption—31825) \*

THE JOINT AND SEVERAL ASSIGNMENT OF ERRORS OF THE DEFENDANTS, DANIEL D. GLASSER, NORTON I. KRETSKE AND ALFRED E. ROTH.

Now come Daniel D. Glasser, Norton I. Kretske and Alfred E. Roth, defendants in the above entitled cause, in connection with their respective appeals, jointly and severally make the following Assignment of Errors which they allege occurred upon the trial of said cause:

## 1.

The court erred in denying the defendants' motion to quash the indictment on the following grounds:

- a) That the Grand Jury was illegally constituted.
- b) That the indictment was not properly returned in open court.
- c) That said indictment was filed without the proper order of court directing the receiving and filing of said indictment.

## 2.

The court erred:

- a) In overruling the respective demurrs of the defendants on the grounds set forth therein, and incorporated by reference thereto as if fully set forth herein.
- b) In overruling the petition of the defendant, Alfred E. Roth, to reconsider and sustain his demurrer.

## 3.

The Court erred in denying defendant's motion to strike the limitations on the bill of particulars to the prejudice of the defendants.

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## 4.

The court erred in denying the defendants' motion for a more specific bill of particulars to the prejudice of the defendants.

## 5.

The court erred in denying the defendants' motion that the U. S. Attorney be required to elect on which count of the indictment he would proceed to the prejudice of the defendants.

## 6.

The court erred in denying defendants' Daniel G. Glasser's and Alfred E. Roth's respective petitions for a severance to the prejudice of the defendants.

## 7.

The court erred:

- a) In denying and overruling the defendant's, Norton I. Kretske's motion for a continuance.

b) In forcing the defendant Norton I. Kretske to trial without counsel of his choice, to the prejudice of the defendants.

8.

The court erred in appointing the employed counsel of defendant Daniel D. Glasser to represent defendant Norton I. Kretske, to the prejudice of the defendants.

9.

The court erred in admitting evidence of acts occurring more than three years prior to the return of the indictment to the prejudice of the defendants.

10.

The court erred in permitting the prosecutor to unfairly and prejudicially infer that defense counsel had connections with well known and notorious violators of the law. Pages B. of E. 124-125.

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11.

The court erred in permitting the prosecutor to unfairly and prejudicially interrogate the Government witness, Workman, on redirect examination after recross which inferred that Glasser was derelict in his duty as an assistant United States attorney. Page B. of E. 128.

12.

The court erred:

a) In permitting evidence of the case of U. S. vs. One Chrysler Sedan on the grounds that it was not part of the alleged plan of the alleged conspiracy. Page B. of E. 138.

b) By flatly overruling the objection to the same in permitting evidence of a wholly independent transaction to be admitted in evidence without the reservation that it be subject to being connected up by the rest of the evidence, thereby holding that the conspiracy had already been established. Page B. of E. 138.

13.

The court erred in permitting the prosecutor by his unfair and highly prejudicial leading questions to lead the Government witness Swanson in changing his testimony while on the witness stand. Page B. of E. 150.

## 14.

The court made remarks prejudicial to the theory on which the defense was predicated. Page B. of E. 160.

## 15.

The court erred in denying the motion to strike the answer of Government witness Swanson to the question of the court to the prejudice of the defendants. Page B. of E. 166.

## 16.

The court erred in permitting the prosecutor to re-examine the government witness Frank Hodorowicz concerning one Albina Zarrarinni to the prejudice of the defendants. Pages B. of E. 248 to 251, inclusive.

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## 17.

The court erred in examining the government witness Frank Hodorowicz concerning Frank Miller, which was incompetent, immaterial and irrelevant, to the prejudice of the defendants. Pages B. of E. 251, 252, 254, 255 and 256.

## 18.

The court erred in denying the defendants the right to show by the government's witness Gilbert that one of the government's investigators in the Kwiatowski case was discharged for taking bribes to the prejudice of the defendants. Pages B. of E. 357-358.

## 19.

The court erred in permitting the prosecutor to recall Government witnesses Goddard and Bailey to the prejudice of the defendants. Pages B. of E. 417, 588, 660 and 729.

## 20.

The court erred in his statement of the law of what evidence is required before the Grand Jury. Page B. of E. 419.

## 21.

The prosecutor, by his remarks, deprived the defense of the right of cross examination free from interference of the prosecutor to the prejudice of the defendants. Page B. of E. 467.

## 22.

The court erred in denying the motion of the defendants for a mistrial because of the reading to the jury of Exhibit 81 to the prejudice of the defendants. Pages B. of E. 528 and 529.

## 23.

The court erred:

- a) In announcing that Exhibits 81 and 113 were admitted as against the defendant Daniel D. Glasser.
- b) And in holding it was for the jury to determine if they were evidence against any one else, to the prejudice of the defendants. Pages B. of E. 529 and 530.

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## 24.

The court erred in having the Government's witness, Dewes, repeat his answer to the prejudice of the defendants. Pages B. of E. 541 and 542.

## 25.

The court, by intervening in the cross-examination of the Government's witness, Dewes, deprived the defendants of their right to a free and unrestricted cross-examination, to the prejudice of the defendants. Pages B. of E. 552 and 554.

## 26.

The court erred in permitting the Government's witnesses Brantman and Abeskotos to testify to alleged conversations had with each other outside the presence of any of the defendants, to the prejudice of the defendants. Pages B. of E. 664, 680 and 682.

## 27.

The court erred in admitting in evidence the testimony of the Government's witness, Alexander Campbell, for the reasons assigned in the written motion to exclude the proposed testimony of Alexander Campbell, incorporated herein by reference being had thereto; and for the further reasons that part of the alleged conversations were had after the termination of the alleged conspiracy, and that said alleged conversations were admitted as against all the defendants, to the prejudice of all the defendants. Pages B. of E. 697 to 699, inclusive.

28.

The court erred in overruling the defendants' respective motions for a directed verdict of not guilty at the close of the Government's case.

29.

The court erred in overruling the defendants' motion to strike and exclude the testimony of the Government's witnesses Victor J. Dowd and Alexander Campbell. Page B. of E. 999.

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30.

The court erred in permitting the prosecutor to cross-examine the defense witness, the defendant Louis Kaplan, far beyond the scope of the direct examination, to the prejudice of the defendants. Page B. of E. 1008.

31.

The court, by his interrogation of the defendant, Anthony Horton, indicated his disbelief in his testimony, to the prejudice of the defendants. Page B. of E. 1070.

32.

The court erred:

- a) In cross-examining the defendant, Norton I. Kretske, beyond the scope of judicial authority.
- b) By his interrogation indicated his disbelief in the testimony of the defendant, Norton I. Kretske, to the prejudice of the defendants. Page B. of E. 1123.

33.

The court, by intervening in the direct examination of the defendant, Alfred E. Roth, and by the manner, form and extent, of the Court's cross-examination of said defendant, indicated a disbelief of his testimony, to the prejudice of the defendants. Pages B. of E. 1163 and 1164.

34.

The court made unfair comment in defending the shouting of the prosecutor while cross-examining the defendant, Alfred E. Roth, to the prejudice of the defendants. Page B. of E. 1178.

## 35.

The court erred in cross-examining the defendant, Alfred E. Roth, beyond the scope of judicial authority, to the prejudice of the defendants. Pages B. of E. 1186 and 1187.

## 36.

The court erred in propounding an unfair question to the defendant, Alfred E. Roth, which created a prejudicial inference. Page B. of E. 1191.

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## 37.

The court, by his remarks, created an inference that he was hostile to the defendant, Alfred E. Roth, thereby denying the defendants a fair and impartial trial. Pages B. of E. 1195, 1196 and 1197.

## 38.

The court erred:

- a) in permitting changing of cross-examiners.
- b) in permitting the prosecutor to ask improper questions of the defendant, Alfred E. Roth, on recross examination to the prejudice of the defendants. Page B. of E. 1202.

## 39.

The court erred in permitting the prosecutor to testify in the form of questions propounded to the defendant, Alfred E. Roth, to prejudicial inferences not based on facts in the case. Page B. of E. 1204.

## 40.

The court erred in refusing to permit Dr. Ettleson, the defense witness, to testify as to his opinion concerning the mental capacity of government's witness, Joseph Cole, to the prejudice of the defendants. Page B. of E. 1210.

## 41.

The court erred in not permitting the defendants to show that the citation proceedings against E. C. Yellowley for a rule on him to show cause why he should not be held in contempt of court for having carried on private conversations with the foreman of the Grand Jury during the

time said Grand Jury was investigating the activities of the Alcohol Tax Unit, to the prejudice of the defendants. Pages B. of E. 1223 and 1224, 1378 to 1383, inclusive.

**42.**

The court, by his remarks, while the defense witness Judge Igoe, was on the witness stand:

- a) invaded the province of the jury.
- b) attempted to destroy one of the theories on which the defense was predicated, to the prejudice of the defendants. Page B. of E. 1224.

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**43.**

The court erred in interrogating Government's witness, Agent Bailey, while defense witness, Judge Igoe, was on the stand, to the prejudice of the defendant. Page B. of E. 1227.

**44.**

The prosecutor was unfair in stating as a fact matters which were in issue and questions for the jury while the defense witness, Judge Igoe, was on the witness stand, to the prejudice of the defendants. Pages B. of E. 1233 and 1235.

**45.**

The court erred:

- a) in denying defendants' motion to strike the statement of the prosecutor.
- b) by the manner and form of his remarks in answering the motion to strike created a prejudicial inference. Page B. of E. 1234.

**46.**

The court erred in striking parts of the testimony of the defendant, Daniel D. Glasser, to the prejudice of the defendants. Pages B. of E. 1248, 1249, 1256 and 1368.

**47.**

The court, by his remarks, during the direct examination of Daniel D. Glasser, created a prejudicial inference. Page B. of E. 1249.

**48.**

The court erred in cross-examining the defendant, Daniel D. Glasser, concerning an indictment of one Abeskotos,

which in fact did not exist, and which created a prejudicial inference. Page B. of E. 1271.

## 49.

The court, by repeatedly referring to the Abeskotos matter, unduly emphasized the same, to the prejudice of the defendants. Pages B. of E. 1271, 1273, 1364, 1365, 1366 and 1377.

## 50.

The prosecutor prejudiced the rights of the defendants to a fair trial by not complying with the order of 285 court to permit the defendant, Daniel D. Glasser, to examine the file and reports in possession of the prosecution for the purpose of refreshing the defendant's, Daniel D. Glasser's, recollection for cross examination. Pages B. of E. 1320 and 1321.

## 51.

The court erred in refusing to admit in evidence:

- a) testimony of the defense witness, Eekstone, concerning the report of the April, 1937, Grand Jury.
- b) the report of the April, 1937, Grand Jury, to the prejudice of the defendants. Pages B. of E. 1094, 1095 A, B, C, D, E, F, G, H and I, inclusive.

## 52.

The court erred in permitting the prosecution to introduce improper rebuttal evidence by the Government's witness, Agent Bailey. Pages B. of E. 1384 to 1387, inclusive.

## 53.

The court erred in permitting the prosecution to introduce testimony on rebuttal concerning:

- a) the character of Government's witness, Agent Bailey.
- b) his marks of honor because of injuries received in the discharge of his duties, to the prejudice of the defendants. Page B. of E. 1385.

## 54.

The court erred in permitting the government on rebuttal to improperly attempt to impeach the testimony of the defendants, Daniel D. Glasser and Alfred E. Roth, by

questions propounded to the Government's witnesses, Bailey and Gentry, to the prejudice of the defendants. Pages B. of E. 1386 to 1388, inclusive.

## 55.

The court erred in permitting the Government to recall the Government's witness, Bailey, a second time, on rebuttal, to the prejudice of the defendants. Page B. of E. 1389.

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## 56.

The court erred in admitting in evidence:

a) The testimony of Government's witness, Bailey, concerning the reports made by him and others, outside the presence of any defendants.

b) The daily reports of Agents Bailey and Smallwood, to the prejudice of the defendants. Pages B. of E. 1389 to 1392, inclusive.

## 57.

The court erred in restricting and limiting the cross-examination of the Government's rebuttal witness, William J. Campbell. Page B. of E. 1392.

## 58.

The court went beyond the scope of judicial authority in committing acts of advocacy on the examination of the following witnesses, to the prejudice of the defendants:

a) The Government's witness, Del Rocco. Page B. of E. 168.

b) The Government's witness, Frank Hodorowicz. Pages B. of E. 237 and 242.

c) The Government's witness, Anthony Hodorowicz. Pages B. of E. 301 to 303, inclusive.

d) The Government's witness, Sylvan White. Page B. of E. 533.

e) The Government's witness, Joseph Cole. Pages B. of E. 570 to 584, inclusive.

## 59.

The court erred in permitting the prosecutor to ask leading and suggestive questions of the following Government witnesses, thereby prejudicing the defendants' rights to a fair trial:

a) The witness, Swanson. Pages B. of E. 146, 147, 150, 151 and 153, inclusive.

b) The witness, Del Rocco. Page B. of E. 169.

- c) The witness, Joseph Cole. Page B. of E. 574.
- d) The witness, Ellis. Page B. of E. 593.
- e) The witness, William Wroblewski. Page B. of E. 648.
- f) The witness, William Brantman. Pages B. of E. 675 to 677, inclusive.
- g) The witness, Harry Dukatt. Page B. of E. 726.

## 60.

The court created prejudicial inferences against the defendants:

- a) By the manner and form of his examination of 287 the Government's witness, Swanson. Pages B. of E. 147 and 154.
- b) By his question of Government's witness, Commissioner Walker. Page B. of E. 233.
- c) By his questions of Government's witness, Anthony Hodorowicz. Pages B. of E. 298, 300, 301 to 303, inclusive.
- d) By his manner and form of his questions of Government's witness, Ellis. Page B. of E. 609.
- e) By his questions of Government's witness, Mae Jurkas. Page B. of E. 625.
- f) By the manner and form of his questions of Government witness, Slesur. Pages B. of E. 639 and 640.
- g) By the manner and form of examining Government's witness, Edward Wroblewski. Pages B. of E. 657 to 659, inclusive.

## 61.

The prosecutor, by the unfair manner and form of his questions, of the following Government's witnesses, prejudiced the defendants' rights to a fair trial:

- a) The witness, Swanson. Pages B. of E. 147, 150, 151 and 152.
- b) The witness, Del Rocco. Page B. of E. 170.
- c) The witness, Commissioner Walker. Page B. of E. 227.
- d) The witness, Frank Hodorowicz. Pages B. of E. 236, 243, 246 and 247.
- e) The witness, Ralph Sharp. Page B. of E. 341.
- f) The witness, Mae Jurkas. Page B. of E. 622.
- g) The witness, Stanley Slesur. Pages B. of E. 645 and 646.
- h) The witness, Edward Wroblewski. Pages B. of E. 657, 692 to 694, inclusive.
- i) The witness, Nick Abeskotos. Page B. of E. 691.

## 62.

The court erred in interrogating the following Government witnesses as to their mental interpretation of statements made by other persons:

- a) The witness, Swanson. Page B. of E. 152.
- b) The witness, Frank Hodorowicz. Page B. of E. 237.

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63.

The court made remarks prejudicial to the rights of the defendants during the examination of the following Government witnesses:

- a) The witness, Clem Dowiat. Pages B. of E. 206 to 209, inclusive.
- b) The witness, Sylvan White. Page B. of E. 533.
- c) The witness, Paul Sveck. Page B. of E. 562.
- d) The witness, Joseph Cole. Page B. of E. 579.
- e) The witness, Stanley Slesur. Page B. of E. 636.

64.

The court erred in making unfair prejudicial comment during the examination of the following witnesses:

- a) In repeating the testimony of the Government's witness, Morgan, in the form of a question. Page B. of E. 113.
- b) In repeating the testimony of the Government's witness, Frank Hodorowicz, in the form of a question. Page B. of E. 237.
- c) By ruling that government's witness, Brantman, was reluctant. Page B. of E. 675.
- d) By ruling that government's witness, Frank Hodorowicz, was a hostile witness. Page B. of E. 294.

65.

The court erred in unduly limiting and restricting the cross examination of the following Government witnesses, to the prejudice of the defendants:

- a) The witness, Workman. Pages B. of E. 118 and 119.
- b) The witness, Swanson. Page B. of E. 160.
- c) The witness, Sharp. Pages B. of E. 343.
- d) The witness, Raubunas. Page B. of E. 496.
- e) The witness, Dewes. Page B. of E. 554.
- f) The witness, Cole. Pages B. of E. 583 and 584.

66.

The court erred in permitting the prosecutor to interrogate Government's witness, Mae Jurkas, as to her state of mind, to the prejudice of the defendants. Page B. of E. 622.

The court erred in permitting the prosecutor to cross-examine the following Government witnesses on direct examination, to the prejudice of the defendants:

- a) The witness, Frank Hodorowicz. Page B. of E. 258.
- b) The witness, Gates. Page B. of E. 611.

The court erred in permitting the prosecutor to ask improper questions of the following Government witness on redirect examination, to the prejudice of the defendants:

- a) The witness, Workman. Pages B. of E. 124 and 128.
- b) The witness, Frank Hodorowicz. Page B. of E. 294.
- c) The witness, Sharp. Pages B. of E. 341, 342 and 343.
- d) The witness, Rossner. Pages B. of E. 363 to 371, inclusive.
- e) The witness, Raubunas. Pages B. of E. 514 to 517, inclusive.

The court erred in admitting in evidence testimony concerning the following cases, which were not included in the indictment or bill of particulars, to the surprise and prejudice of the defendants.

- a) U. S. vs. One Chrysler Sedan. Page B. of E. 138.
- b) The Swanson-Del Rocco-Joppek case. Page B. of E. 176.
- c) The Brantman and Abosketes matter. Page B. of E. 681.

The court erred in admitting in evidence the following exhibits, to the prejudice of the defendants:

- a) Exhibit 4, Being records which were not the best evidence of the facts. Page B. of E. 111.
- b) Exhibit 92, being the typewritten statement of Government's witness, Raubunas, dated October 20, 1939. Pages B. of E. 512 to 514, inclusive.
- c) Exhibit 81, being the Alcohol Tax Unit report of the Western Ave. still case. Page B. of E. 524.
- d) Exhibit 113, being the report of the Alcohol Tax Unit on the Spring Grove still case. Page B. of E. 527.
- e) Exhibits 116 and 117, being pictures of the barber shop at 1062 Polk Street. Page B. of E. 562.
- f) Exhibit 96, being the testimony of Joseph Cole, before the May 1938 Grand Jury. Page B. of E. 576.

- g) Exhibit 97 to 112, inclusive, being the pictures of the Spring Grove still. Page B. of E. 577.
- h) Exhibits 120 and 121, being a letter from the Treasury Department and a Supplemental report on the Kwiatowski case. Page B. of E. 589.
- i) Exhibit 134, being a receipt from Government witness, Brantman, to Government witness, Abosketes. Page B. of E. 665.
- j) Exhibits 156 and 157, being records which were not the best evidence of the facts. Page B. of E. 719.
- k) Exhibits 160 and 163, being the Alcohol Tax Unit report on the Hodorowicz case. Page B. of E. 735.

### 71.

The court erred in permitting the prosecution to read to the Jury the following exhibits, to the prejudice of the defendants:

- a) Exhibit 113, being the report of the Alcohol Tax Unit on the Spring Grove still case. Pages B. of E. 536, 536A and 536B.
- b) Exhibit 96, being the testimony of Joseph Cole before the May, 1938 Grand Jury. Page B. of E. 576.
- c) Exhibits 120 and 121, being a letter from the Treasury Department and a supplemental report on the Kwiatowski case. Page B. of E. 58.

### 72.

The Court erred in unduly restricting the defense on direct examination from showing facts material to the issues in the case, to the prejudice of the defendants, by:

- a) Sustaining an objection to the question propounded to the defense witness, Judge Woodward. Page B. of E. 1028.
- b) Sustaining the objection to the question propounded to the defense witness, Sidney Baker. Page B. of E. 1044.
- c) Sustaining the objection to the question propounded to the defense witness, Judge Igoe. Pages B. of E. 1218 and 1219.

### 73.

The court, by his questions, propounded to the defendant, Daniel D. Glasser, created unfair inferences, in the following manner, to the prejudice of the defendants:

- 291    a) That the defendant, Daniel D. Glasser, was evasive in his answers. Page B. of E. 1319.

b) By cross-examining the defendant, Daniel D. Glasser, on collateral, immaterial, incompetent and irrelevant, highly prejudicial matters. Pages B. of E. 1328 to 1330, inclusive.

c) By indicating his disbelief in the testimony of the defendant, Daniel D. Glasser. Pages B. of E. 1341 to 1344, inclusive.

74.

The court committed acts of advocacy and went far beyond the scope of judicial authority in his repeated cross-examination of the defendant, Daniel D. Glasser, while said defendant was on the witness stand, to the prejudice of the defendant. Pages B. of E. 1294, 1322, 1326, 1328, 1329, 1330, 1349, 1364, 1365 and 1366.

75.

The court erred in overruling the defendants' motion for a directed verdict of not guilty at the close of all the evidence.

76.

The court erred in overruling the defendants' motion to strike and exclude the testimony of Government's witness, Alexander Campbell, for the reasons assigned in said motion, which are herein incorporated as if fully set forth.

77.

The court erred in overruling the motions of the defendants for findings of not guilty, notwithstanding the verdict.

78.

The court erred in denying the motion of the defendants for a new trial.

79.

The court erred in denying the defendants' motion in arrest of judgment.

80.

The evidence failed to establish a conspiracy as alleged in the indictment and was insufficient to convict the defendants.

292 The defendants were denied a fair and impartial trial by reason of the cumulative errors assigned on their points one to eighty, inclusive.

Wherefore, Daniel D. Glasser, Norton I. Kretske, and Alfred E. Roth, the said defendants, by reason of the errors aforesaid, pray that the judgment of the District Court may be reversed.

Daniel D. Glasser,  
Norton I. Kretske,  
Alfred E. Roth,  
*Defendants.*

293 Endorsed: In the District Court of the United States. \* \* (Caption—31825) \* \* The Joint and Several Assignment of Errors of the Defendants, Daniel D. Glasser, Norton I. Kretske and Alfred E. Roth. Filed Jun 27, 1940 at ..... o'clock Hoyt King, Clerk.

263 And afterwards, to wit, on the 17th day of May, A. D. 1940, being one of the days of the regular May term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

264 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* (Caption—31825) \*

**ORDER FIXING THE TIME FOR FILING BILL OF EXCEPTIONS AND ASSIGNMENT OF ERRORS.**

Notice of appeal having heretofore been filed by Daniel D. Glasser, Norton I. Kretske and Alfred E. Roth, and the Clerk of this Court having notified the Trial Judge of the filing of said notice of appeal, and the Trial Judge having directed the appellants and the United States Attorney to appear before him on Friday, May 17, 1940, at the hour of 10 A. M., in the United States Court House, Chicago, Illinois, and it having been represented to the Judge upon behalf of the appellants that the appeal is to be prosecuted not only upon the clerk's record of proceedings, but also upon a bill of exceptions.

Entered  
May  
1940

It Is Hereby Ordered that the appellants not later than June 19, 1940, deliver to the United States Attorney at Chicago, Illinois, their bill of exceptions for examination, and that the United States Attorney approve and deliver same to the appellants not later than June 25, 1940; that in the event the United States Attorney does not approve said bill of exceptions, he shall nevertheless deliver the same together with his reasons therefor, to the appellants not later than June 25, 1940.

265 It is Hereby Further Ordered that the United States Attorney and the appellants be and appear before this Court in the United States Court House at Chicago, Illinois, on June 27, 1940, at 10 A. M., for the purpose of settling and filing with the Clerk of this Court, the bill of exceptions and that the appellants file their assignment of errors not later than June 27, 1940.

Enter:

Patrick T. Stone,  
*Judge.*

Dated at Chicago, Illinois, May 17, 1940.

Approved:

William J. Campbell,  
*United States Attorney.*

Approved:

Daniel D. Glasser,  
Norton I. Kretske,  
Alfred E. Roth,  
*Appellants.*

266 And afterwards, to wit, on the 17th day of May, A. D. 1940, being one of the days of the regular May term of said Court, in the record of proceedings thereof, in said entitled cause, before the Honorable Patrick T. Stone, District Judge, appears the following entry, to wit:

267 IN THE DISTRICT COURT OF THE UNITED STATES.  
• • (Caption—31825) • •

Entered  
May 1/  
1940.

ORDER CERTIFYING ORIGINAL EXHIBITS.

It is Hereby Ordered that all the original physical exhibits introduced on behalf of the United States and all the original physical exhibits introduced on behalf of all the defendants on the trial of the above cause, be certified and sent by the Clerk of this Court to the Circuit Court of Appeals for the Seventh Circuit.

It Is Hereby Further Ordered that the said exhibits be and the same are by reference incorporated in and made a part of the bill of exceptions in said cause.

Enter:

Patrick T. Stone,  
*Judge.*

Dated at Chicago, Illinois, May 17, 1940.

Approved:

William J. Campbell,  
*United States Attorney.*

Approved:

Daniel D. Glasser,  
Norton I. Kretze,  
Alfred E. Roth,  
*Appellants.*

268 IN THE DISTRICT COURT OF THE UNITED STATES.  
• • (Caption—31825) • •

Filed  
May 1/  
1940.

PRAE~~C~~ICE FOR TRANSCRIPT OF RECORD.

To: Hoyt King, Esq., Clerk of said District Court:

You will please prepare a true and complete transcript of the following parts of the record in the above entitled cause, to be filed with the Clerk of the United States Circuit Court of Appeals for the Seventh Judicial District, pursuant to the appeal taken by the defendants, Daniel D. Glasser, Norton I. Kretze and Alfred E. Roth, to-wit:

1. Placita.

2. Return of indictment and order to file same and indictment, entered September 29, 1939.
3. Order granting leave to defendants to file any and all motions in twenty days and continued for pleas to November 3, 1939, entered October 12, 1939.
4. Order granting leave to file motion to quash indictment and affidavit in support of same and rule on United States to plead, answer or demur to said motion within three days, entered October 31, 1939.
5. Motion of defendants to quash indictment and affidavit in support of same, entered October 31, 1939.
6. Motion of United States Attorney to strike both motion and affidavit in support of same, entered October 31, 1939.
- 269 7. Order cause transferred to executive committee, entered November 2, 1939.
8. Appearance of George Callaghan for defendant, Daniel D. Glasser, entered November 1, 1939.
9. Appearance of Harrington and McDonald, attorneys for Norton I. Kretze, entered November 2, 1939.
10. Order denying motion of defendants to quash indictment and exception thereto, entered November 7, 1939.
11. Demurrers as to defendants, Daniel D. Glasser, Norton I. Kretze and Alfred E. Roth, entered November 10, 1939.
12. Order overruling demurrers of all defendants and exception thereto and leave for all defendants to demand bill of particulars in ten days, entered November 16, 1939.
13. Order extending time for all defendants to file motion for bill of particulars to November 29, 1939, entered November 22, 1939.
14. Petitions for bill of particulars of defendants, Daniel D. Glasser, Norton I. Kretze and Alfred E. Roth, entered November 29, 1939.
15. Order directing United States Attorney to answer certain questions set forth in petitions of Daniel D. Glasser and Norton I. Kretze and ordered that government's proofs will not be limited to the answer made by it to said demands for particulars, entered December 20, 1939.
16. Bill of particulars, entered December 26, 1939.
17. Petition of Alfred E. Roth for reconsideration of his demurrer, entered January 9, 1940.

18. Order setting hearing of Alfred E. Roth for reconsideration of demurrer for January 29, 1940, entered January 23, 1940.
19. Petition of Daniel D. Glasser for severance, entered January 25, 1940.
- 270 20. Appearance of William Scott Steward as associate counsel for Daniel D. Glasser, entered January 26, 1940.
21. Petition of Norton I. Kretze for more specific bill of particulars, entered January 27, 1940.
22. Order denying motion of Norton I. Kretze for more specific bill of particulars and exceptions thereto, entered January 29, 1940.
23. Order denying petition of Alfred E. Roth for reconsideration of demurrer and exception thereto, entered January 29, 1940.
24. Petition of Alfred E. Roth for severance, entered January 29, 1940.
25. Order denying petition of Alfred E. Roth for severance and exception thereto, entered January 29, 1940.
26. Order denying motion to strike bill of particulars and exception thereto, and motion of Daniel D. Glasser for a severance denied and exception thereto, and order striking that part of petition for severance on Page 5, which refers to ill feeling between Joseph Harrington, the Judge and District Attorney, entered January 29, 1939.
27. Plea of not guilty entered by each defendant, entered January 29, 1940.
28. Order reassigning cause to calendar of Judge Stone nunc pro tunc as of November 2, 1939, entered on January 30, 1940.
29. Appearance of Cassius Ponst as associate attorney for Alfred E. Roth, entered February 5, 1940.
30. Motion for continuance and affidavit in support of same by Joseph P. Harrington, attorney for Norton I. Kretze, entered February 5, 1940.
31. Order overruling motion of Norton I. Kretze for continuance and exception thereto, and order appointing Bernard J. McDonald as counsel for Norton I. Kretze, and continued to February 6, 1940, for trial, entered February 5, 1940.
- 271 32. Motion of Bernard J. McDonald, attorney

for Norton I. Kretze, for continuance and affidavit in support of same, entered February 5, 1940.

33. Order vacating appointment of Bernard J. McDonald as attorney for Norton I. Kretze and order appointing William Scott Steward, attorney for Norton I. Kretze, entered February 6, 1940.

34. Motion at close of opening statements for government for directed verdict of not guilty as to each defendant and order overruling same and exception thereto, entered February 7, 1940.

35. Motion of defendants to exclude proposed testimony of Alexander Campbell and order of court overruling same and exception thereto, entered February 23, 1940.

36. Motion of Alfred E. Roth to strike and exclude the testimony of Alexander Campbell and order overruling same and exception thereto, entered March 5, 1940.

37. Motion of each defendant at the close of the government's case for directed verdict of not guilty on both counts and order overruling same and exceptions thereto, entered February 26, 1940.

38. Motion of defendants, United States Attorney elects to stand on count 2 and dismissing Count 1 and order of court to that effect, entered February 27, 1940.

39. Motion of all the defendants for directed verdict at the close of all the evidence and order overruling same and exception thereto, entered March 5, 1940.

40. Verdict of jury finding the defendants guilty, entered March 8, 1940.

41. Motion of defendants for finding of not guilty notwithstanding the verdict and continued to April 8, 1940, entered March 8, 1940.

42. Motion of defendants for finding of not guilty notwithstanding the verdict and motion for new 272 trial continued to April 22, entered April 8, 1940.

43. Motions of defendants for finding of not guilty notwithstanding the verdict and motions for new trial heard on argument and continued to April 23, 1940, entered April 22, 1940.

44. Order granting leave to Daniel D. Glasser to file three affidavits, entered April 23, 1940.

45. Three affidavits filed by Daniel D. Glasser, entered April 23, 1940.

46. Order granting leave to Alfred E. Roth to file two

affidavits in support of motion for new trial, entered April 23, 1940.

47. Two affidavits in support of motion for a new trial filed by Alfred E. Roth, entered April 23, 1940.

48. Order granting leave to Alfred E. Roth to file motion for directed verdict at the close of all the evidence, entered April 23, 1940.

49. Order denying motion of defendants' for finding of not guilty notwithstanding the verdict and exceptions thereto, and motion of all defendants for new trial overruled and exception thereto, entered April 23, 1940.

50. Leave to file motion of all defendants in arrest of judgment and order overruling same and exception thereto, entered April 23, 1940.

51. Judgment and sentence as to each defendant, entered April 23, 1940.

52. Order fixing appeal bond as to each defendant, entered April 23, 1940.

53. Notice of appeal as to defendants, Daniel D. Glasser and Norton I. Kretze, entered April 26, 1940.

54. Notice of appeal as to defendant, Alfred E. Roth, entered April 27, 1940.

273 55. Order granting defendants time in which to prepare and file bill of exceptions and assignment of errors.

56. Order incorporating defendant's exhibit into record and made a part of the bill of exceptions.

57. Assignment of errors.

58. Bill of exceptions.

59. Order approving bill of exceptions.

60. Certificate of clerk authenticating transcript of record.

Daniel D. Glasser,  
Norton I. Kretske,  
Alfred E. Roth.

Received a Copy of the above and foregoing praecipe for transcript of record, this 4th day of May.

William J. Campbell,  
*U. S. Attorney.*

274 Endorsed: In the District Court of the United States • • (Caption—31825) • • Praeipe for Transcript of Record. Filed May 4, 1940 Hoyt King Clerk.

275 Northern District of Illinois } ss:  
Eastern Division }

I, Hoyt King, Clerk of the District Court of the United States for the Northern District of Illinois, do hereby certify the above and foregoing to be a true and complete transcript of the proceedings with the exception of the Assignment of Errors and Bill of Exceptions had of record made in accordance with Praeceipe filed in this Court in the cause entitled United States *vs.* Daniel D. Glasser, et al. D. C. 31825 as the same appear from the original records and files thereof now remaining in my custody and control.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at my office, in the City of Chicago, in said District, this 25th day of May, A. D. 1940.

Hoyt King,  
*Clerk.*

(Seal)

1464 Northern District of Illinois } ss:  
Eastern Division }

I, Hoyt King, Clerk of the District Court of the United States for the Northern District of Illinois, do hereby certify the above and foregoing to be a true transcript of the Assignment of Errors and Bill of Exceptions had of record made in accordance with Praeceipe filed in this Court in the cause entitled United States *vs.* Daniel D. Glasser, et al. D. C. 31825 as the same appear from the original records and files thereof now remaining in my custody and control.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at my office, in the City of Chicago, in said District, this 27th day of June, A. D. 1940.

Hoyt King,  
*Clerk.*

(Seal)

IN THE UNITED STATES CIRCUIT COURT OF APPEALS  
For the Seventh Circuit.

Filed  
July 2,  
1940.

United States of America,  
*Plaintiff-Appellee,*  
vs.  
Daniel D. Glasser,  
*Defendant-Appellant.*

} No. 7315.

MOTION TO ELIMINATE PORTIONS OF THE DISTRICT COURT CLERK'S RECORD, FORWARDED TO THIS COURT.

Now comes Daniel D. Glasser, the defendant, and moves the Court to eliminate from the record of the Clerk of District Court, forwarded to this court, the following parts of the record for the reason that said parts are incorporated in the Bill of Exceptions, filed in the cause, and will unnecessarily encumber the transcript of the record on appeal.

1. Motion to quash indictment and affidavit in support of same.
2. Motion of the U. S. Attorney to strike both motion to quash and affidavit in support of same.
3. Petition of Alfred E. Roth for reconsideration of demurrer.
4. Petition of Daniel D. Glasser for severance.
5. Petition of Alfred E. Roth for severance.
6. Motion for continuance and affidavit in support of same by Joseph T. Harrington.
7. Motion of Bernard J. McDonnell for continuance and Affidavit in support of same.
8. Motion of Alfred E. Roth for directed verdict of not guilty at the close of the Government's case.
9. Motion of Alfred E. Roth for directed verdict of not guilty at the close of all the evidence.
10. Motion of Alfred E. Roth to strike and exclude the testimony of Alexander Campbell.
11. Three affidavits filed by Daniel D. Glasser.

12. Two affidavits filed by Alfred L. Roth.
13. Motion of all defendants in arrest of judgment.  
Dated at Chicago, July 2nd, 1940.

Daniel D. Glasser,  
Norton I. Kretske,  
Alfred E. Roth,  
*Defendants-Appellants.*

Approved:

William J. Campbell,  
*United States Attorney.*  
Martin Ward,  
*Asst. U. S. Atty.*

(Approved by Treanor, C. J.) July 10, 1940.

Endorsed: In the United States Circuit Court of Appeals \* \* \* (Caption—7315) \* \* Motion to Eliminate Portions of the District Court Clerk's Record, Forwarded to This Court. Filed Jul 2 1940 Kenneth J. Carrick Clerk.

**Entered  
July 10,  
1940** And, to-wit: On the tenth day of July, 1940, the following proceedings were had and entered of Record:

Wednesday, July 10, 1940.

Court met pursuant to adjournment.

Before:

Hon. Walter E. Treanor, C. J.  
(Caption)

On motion of Defendants-Appellants, it is ordered that these appeals be consolidated for the purpose of having one transcript of record for all appeals.

Upon Petition of Defendants-Appellants, it is further ordered that this cause be heard upon the printed record of papers filed and proceedings entered in the District Court and the typewritten transcript of evidence.

It is further ordered that the motion to eliminate portions of the District Court Clerk's record be, and the same is hereby granted.

UNITED STATES CIRCUIT COURT OF APPEALS.

For the Seventh Circuit.

I, Kenneth J. Carriek, Clerk of the United States Circuit Court of Appeals for the Seventh Circuit, do hereby certify that the foregoing printed pages contain a true copy of the printed record (without bill of exceptions) printed under my supervision and filed on the fifth day of Aug., 1940, in the following entitled causes:

The United States of America,  
*Plaintiff-Appellee.*

7315 vs.

Daniel D. Glasser,  
*Defendant-Appellant.*

The United States of America,  
*Plaintiff-Appellee,*

7316 *v.s.*

Norton I. Kretske,  
*Defendant-Appellant.*

The United States of America,  
*Plaintiff-Appellee.*

7317 vs.

Alfred E. Roth,  
*Defendant-Appellant,*

as the same remains upon the files and records of the United States Circuit Court of Appeals for the Seventh Circuit.

In Testimony Whereof I hereunto subscribe my name  
and affix the seal of said United States Circuit Court of  
Appeals for the Seventh Circuit, at the City of Chicago,  
this 7th day of February, A. D. 1941.

Kenneth J. Carrick,

**(Seal)** *Clerk of the United States Circuit Court  
of Appeals for the Seventh Circuit.*